

## STATE OF MINNESOTA

## EIGHTY-THIRD SESSION — 2004

## SEVENTY-SEVENTH DAY

SAINT PAUL, MINNESOTA, MONDAY, MARCH 22, 2004

The House of Representatives convened at 3:00 p.m. and was called to order by Steve Sviggum, Speaker of the House.

Prayer was offered by Pastor John Steer, First Baptist Church, Rochester, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The roll was called and the following members were present:

Abeler	DeLaForest	Hilstrom	Lenczewski	Osterman	Smith
Abrams	Demmer	Hilty	Lesch	Otremba	Soderstrom
Adolphson	Dempsey	Holberg	Lieder	Otto	Solberg
Anderson, B.	Dill	Hoppe	Lindgren	Ozment	Stang
Anderson, I.	Dorman	Hornstein	Lindner	Paulsen	Strachan
Anderson, J.	Dorn	Howes	Lipman	Paymar	Swenson
Atkins	Eastlund	Huntley	Magnus	Pelowski	Sykora
Beard	Eken	Jacobson	Mahoney	Penas	Thao
Bernardy	Ellison	Jaros	Mariani	Peterson	Thissen
Biernat	Entenza	Johnson, J.	Marquart	Powell	Tingelstad
Blaine	Erhardt	Johnson, S.	McNamara	Pugh	Urdahl
Borrell	Erickson	Juhnke	Meslow	Rhodes	Vandev eer
Boudreau	Finstad	Kahn	Mullery	Rukavina	Wagenius
Bradley	Fuller	Kelliher	Murphy	Ruth	Walker
Brod	Gerlach	Klinzing	Nelson, C.	Samuelson	Walz
Buesgens	Goodwin	Knoblach	Nelson, M.	Seagren	Wardlow
Carlson	Greiling	Koenen	Nelson, P.	Seifert	Wasiluk
Clark	Gunther	Kohls	Newman	Sertich	Westerberg
Cornish	Haas	Krinkie	Nornes	Severson	Westrom
Cox	Hackbarth	Kuisle	Olsen, S.	Sieben	Wilkin
Davids	Hausman	Lanning	Olson, M.	Simpson	Zellers
Davnie	Heidgerken	Larson	Opatz	Slawik	Spk. Sviggum

A quorum was present.

Harder and Latz were excused.

The Chief Clerk proceeded to read the Journal of the preceding day. Finstad moved that further reading of the Journal be suspended and that the Journal be approved as corrected by the Chief Clerk. The motion prevailed.

## REPORTS OF STANDING COMMITTEES

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 1086, A bill for an act relating to retirement; statewide and major local public pension plans; making various changes of an administrative nature; setting various limitations and requirements for public employees police and fire retirement plan disability benefit applications; resolving one person and small group pension problems; reducing the early retirement age for the judges retirement plan; authorizing a shorter vesting schedule for the Marine on St. Croix Volunteer Firefighters Relief Association; revising the salary maximum for the executive secretary of the Minneapolis Firefighters Relief Association; permitting single Teachers Retirement Association members to make survivor benefit designations; authorizing retirement coverage discontinuation by an elected county official; revising the manner in which actuarial services to the Legislative Commission on Pensions and Retirement are provided; continuing retirement coverage by the general employees retirement plan of the Public Employees Retirement Association for Anoka County Achieve Program and the Government Training Services; including in privatized public employee retirement coverage employees of the Fair Oaks Lodge, Wadena, and RenVilla Nursing Home; extending the expiration date on certain prior military service credit purchases; temporarily exempting Metropolitan Airports Commission police from reemployed annuitant earnings limitation; ratifying certain Bellingham volunteer firefighter relief association annuity purchases; including the Lake Johanna fire department employees in Public Employees Retirement Association coverage; expanding the health care savings plan; modifying the department of transportation pilots retirement plan; creating a statewide volunteer firefighter retirement plan study task force; authorizing shorter vesting periods for defined contribution volunteer firefighter relief associations; appropriating money; amending Minnesota Statutes 2002, sections 3A.03, subdivision 2; 352.01, subdivision 13; 352.03, subdivision 6; 352.113, subdivisions 4, 6, 8, by adding a subdivision; 352.12, subdivisions 1, 6; 352.22, subdivisions 2, 3; 352.27; 352.275, subdivision 1; 352.86, subdivision 1; 352.95, subdivisions 1, 2, 4; 352.98; 352B.01, subdivisions 3a, 11, by adding a subdivision; 352B.02, subdivision 1e; 352B.10, subdivisions 1, 2, 3, 4, 5; 352B.105; 352B.11, subdivisions 1, 2, by adding subdivisions; 352D.065, subdivision 2; 352D.075, subdivisions 2, 3, by adding a subdivision; 353.01, subdivisions 2b, 10, 12a, 12b, 16, 16a; 353.03, subdivision 3a; 353.33, subdivisions 4, 6, 6b, 7, by adding a subdivision; 353.37, subdivision 3, by adding a subdivision; 353.656, subdivision 5, by adding subdivisions; 354.05, subdivisions 2, 22, 35; 354.06, subdivision 2a; 354.07, subdivision 9; 354.091; 354.096, subdivision 1; 354.42, subdivision 7; 354.44, subdivisions 4, 5; 354.46, subdivisions 2, 2b, 5, by adding a subdivision; 354.48, subdivisions 2, 4, 6, 6a, 10; 354.51, subdivision 5; 354.52, subdivisions 4a, 6, by adding a subdivision; 354.53; 354.533, subdivision 1; 354.66, subdivision 2; 354A.011, subdivision 24; 354A.021, subdivision 7; 354A.093; 354A.094, subdivision 3; 354A.097, subdivision 1; 354B.20, subdivisions 4, 6; 354B.23, subdivision 1; 354B.32; 354C.11, subdivision 2; 356.215, subdivisions 2, 18; 356.302, subdivision 3; 356.441; 356.611, subdivision 2, by adding subdivisions; 422A.06, subdivision 2; 422A.18, subdivisions 1, 4; 423B.09, subdivision 4; 423C.05, subdivisions 4, 5, 6, by adding a subdivision; 424A.02, subdivisions 2, 7; 490.121, subdivision 10, by adding a subdivision; 490.124, subdivision 12; Minnesota Statutes 2003 Supplement, sections 353.01, subdivision 6; 353F.02, subdivision 4; 423C.03, subdivision 3; Laws 1999, chapter 222, article 16, section 16, as amended; Laws 2000, chapter 461, article 4, section 4; proposing coding for new law in Minnesota Statutes, chapters 352F; 356; repealing Minnesota Statutes 2002, sections 3.85, subdivisions 11, 12; 352D.02, subdivision 5; 353.33, subdivision 5b; 354A.107; 356.217; 490.11.

Reported the same back with the following amendments:

Page 8, line 1, delete "is" and insert "must be"

Page 8, line 33, before "not" insert "and"

Page 10, line 4, after "or" insert "who is"

Page 11, line 27, before "supervisory" insert "the"

Page 11, line 29, after "(ii)" insert "an employee who is" and after "from" insert "one of"

Page 13, line 32, after "(1)" insert "the"

Page 14, line 6, strike ""salary" means"

Page 14, line 15, after "(1)" insert "the"

Page 15, line 12, after "(5)" insert "the amount of"

Page 16, line 4, after "payments" insert a comma

Page 16, line 7, after "services" insert "that are"

Page 16, line 14, after "leave" insert "that are"

Page 17, line 5, after "payment" insert "that is"

Page 17, line 12, after "services" insert "that are"

Page 17, line 19, after "leave" insert "that are"

Page 18, line 10, delete "must" and before "be" insert "must"

Page 19, line 25, after "employment" insert "rendered"

Page 21, line 14, after "period" insert "of covered employment rendered"

Page 25, line 8, after "employment" insert "rendered"

Page 27, line 28, strike "does" and insert "must"

Page 29, line 26, after "employment" insert "rendered"

Page 30, line 4, delete "money purchase annuity"

Page 32, line 11, after "employment" insert "rendered"

Page 34, line 6, after "period" insert "of judicial employment rendered"

Page 36, lines 4 and 36, after "(2)" insert "the"

Page 37, line 2, before "Teachers" insert "applicable"

Page 45, line 9, strike "providing" and insert "provided"

Page 47, line 19, delete the comma

Page 48, line 32, after "Unless" insert "the"

Page 48, line 35, strike "shall" and insert "must"

Page 49, line 2, strike the semicolon and insert a period and after "event" insert a comma

Page 49, line 20, strike "shall discontinue" and insert "must be discontinued"

Page 49, line 22, strike "shall" and insert "may"

Page 51, line 20, after "make" insert "the"

Page 51, line 30, after "payment" insert "which was"

Page 52, line 1, before "reinstatement" insert "person's"

Page 52, line 33, after "had" insert "credit for"

Page 55, line 24, strike the comma and insert "a"

Page 55, line 25, before "dates" insert "the" and after the second "of" insert "any"

Page 55, line 27, after "not" insert "any"

Page 55, line 35, before "disability" insert "a"

Page 59, line 33, after "while" insert "the person was"

Page 61, line 35, after "evidence" insert a comma

Page 63, line 7, after "physicians" insert ", chiropractors,"

Page 64, line 5, strike "shall be" and insert "is"

Page 64, line 36, after "attains" insert "the normal retirement" and strike "65"

Page 66, line 30, after "disability" insert a comma

Page 67, line 19, after "beneficiary" insert a comma

Page 67, line 20, before "refuses" insert a comma

Page 69, line 9, after "by" insert "reason of"

Page 69, line 18, after "member" insert "who is"

Page 75, line 6, after "to" insert "the"

Page 75, line 7, after "by" insert "more than" and strike "or more"

Page 75, line 8, strike "children" and insert "child"

Page 76, line 34, after "deceased" insert "member"

Page 77, line 1, after "deceased" insert "member"

Page 82, line 36, after "amount" insert "that is"

Page 90, line 33, strike "shall" and insert "must"

Page 91, line 4, strike "shall" and insert "must"

Page 91, line 33, strike "shall be" and insert "are"

Page 92, lines 1 and 5, strike "shall" and insert "must"

Page 92, line 26, strike "shall prohibit" and insert "prohibits"

Page 100, line 27, delete "shall" and insert "must"

Page 109, lines 14 and 15, reinstate the stricken language

Page 109, delete line 17 and insert:

"(b) Sections 1, 2, and 3<sub>2</sub> are repealed on May 16, ~~2004~~ 2006."

Page 124, after line 6, insert:

#### "ARTICLE 19

#### MINNEAPOLIS POLICE RELIEF ASSOCIATION

Section 1. Minnesota Statutes 2002, section 69.77, subdivision 4, is amended to read:

Subd. 4. [RELIEF ASSOCIATION FINANCIAL REQUIREMENTS; MINIMUM MUNICIPAL OBLIGATION.] (a) The officers of the relief association shall determine the financial requirements of the relief association and minimum obligation of the municipality for the following calendar year in accordance with the requirements of this subdivision. The financial requirements of the relief association and the minimum obligation of the municipality must be determined on or before the submission date established by the municipality under subdivision 5.

(b) The financial requirements of the relief association for the following calendar year must be based on the most recent actuarial valuation or survey of the special fund of the association if more than one fund is maintained by the association, or of the association, if only one fund is maintained, prepared in accordance with sections 356.215, subdivisions 4 to 15, and 356.216, as required under subdivision 10. If an actuarial estimate is prepared by the actuary of the relief association as part of obtaining a modification of the benefit plan of the relief association and the modification is implemented, the actuarial estimate must be used in calculating the subsequent financial requirements of the relief association.

(c) If the relief association has an unfunded actuarial accrued liability as reported in the most recent actuarial valuation or survey, the total of the amounts calculated under clauses (1), (2), and (3), constitute the financial requirements of the relief association for the following year. If the relief association does not have an unfunded actuarial accrued liability as reported in the most recent actuarial valuation or survey, the amount calculated under clauses (1) and (2) constitute the financial requirements of the relief association for the following year. The financial requirement elements are:

(1) the normal level cost requirement for the following year, expressed as a dollar amount, which must be determined by applying the normal level cost of the relief association as reported in the actuarial valuation or survey and expressed as a percentage of covered payroll to the estimated covered payroll of the active membership of the relief association, including any projected change in the active membership, for the following year;

(2) for the Bloomington Fire Department Relief Association, the Fairmont Police Relief Association, and the Virginia Fire Department Relief Association, to the dollar amount of normal cost determined under clause (1) must be added an amount equal to the dollar amount of the administrative expenses of the special fund of the association if more than one fund is maintained by the association, or of the association if only one fund is maintained, for the most recent year, multiplied by the factor of 1.035. The administrative expenses are those authorized under section 69.80. No amount of administrative expenses under this clause are to be included in the financial requirements of the Minneapolis Firefighters Relief Association or the Minneapolis Police Relief Association; and

(3) to the dollar amount of normal cost and expenses determined under clauses (1) and (2) must be added an amount equal to the level annual dollar amount which is sufficient to amortize the unfunded actuarial accrued liability by December 31, 2010, for the Bloomington Fire Department Relief Association, the Fairmont Police Relief Association, the Minneapolis Firefighters Relief Association, and the Virginia Fire Department Relief Association, and by December 31, 2020, for the Minneapolis Police Relief Association, as determined from the actuarial valuation or survey of the fund, using an interest assumption set at the applicable rate specified in section 356.215, subdivision 8. The amortization date specified in this clause applies to all local police or salaried firefighters' relief associations and that date supersedes any amortization date specified in any applicable special law.

(d) The minimum obligation of the municipality is an amount equal to the financial requirements of the relief association reduced by the estimated amount of member contributions from covered salary anticipated for the following calendar year and the estimated amounts anticipated for the following calendar year from the applicable state aid program established under sections 69.011 to 69.051 receivable by the relief association after any allocation made under section 69.031, subdivision 5, paragraph (b), clause (2), or 423A.01, subdivision 2, clause (6), from the local police and salaried firefighters' relief association amortization aid program established under section 423A.02, subdivision 1, from the supplementary amortization state-aid program established under section 423A.02, subdivision 1a, and from the additional amortization state aid under section 423A.02, subdivision 1b.

Sec. 2. Minnesota Statutes 2002, section 356.216, is amended to read:

356.216 [CONTENTS OF ACTUARIAL VALUATIONS FOR LOCAL POLICE AND FIRE FUNDS.]

(a) The provisions of section 356.215 that govern the contents of actuarial valuations must apply to any local police or fire pension fund or relief association required to make an actuarial report under this section, except as follows:

(1) in calculating normal cost and other requirements, if required to be expressed as a level percentage of covered payroll, the salaries used in computing covered payroll must be the maximum rate of salary on which retirement and survivorship credits and amounts of benefits are determined and from which any member contributions are calculated and deducted;

(2) in lieu of the amortization date specified in section 356.215, subdivision 11, the appropriate amortization target date specified in section 69.77, subdivision 4, or 69.773, subdivision 4, clause (c), must be used in calculating any required amortization contribution except that the amortization date for the Minneapolis Police Relief Association is December 31, 2020;

(3) in addition to the tabulation of active members and annuitants provided for in section 356.215, subdivision 13, the member contributions for active members for the calendar year and the prospective annual retirement annuities under the benefit plan for active members must be reported;

(4) actuarial valuations required under section 69.773, subdivision 2, must be made at least every four years and actuarial valuations required under section 69.77 shall be made annually;

(5) the actuarial balance sheet showing accrued assets valued at market value if the actuarial valuation is required to be prepared at least every four years or valued as current assets under section 356.215, subdivision 1, clause (6), or paragraph (b), whichever applies, if the actuarial valuation is required to be prepared annually, actuarial accrued liabilities, and the unfunded actuarial accrued liability must include the following required reserves:

(i) For active members

1. Retirement benefits
2. Disability benefits
3. Refund liability due to death or withdrawal
4. Survivors' benefits

(ii) For deferred annuitants' benefits

(iii) For former members without vested rights

(iv) For annuitants

1. Retirement annuities
2. Disability annuities
3. Surviving spouses' annuities
4. Surviving children's annuities

In addition to those required reserves, separate items must be shown for additional benefits, if any, which may not be appropriately included in the reserves listed above; and

(6) actuarial valuations are due by the first day of the seventh month after the end of the fiscal year which the actuarial valuation covers.

(b) For the Minneapolis Firefighters Relief Association or the Minneapolis Police Relief Association, the following provisions additionally apply:

(1) in calculating the actuarial balance sheet, unfunded actuarial accrued liability, and amortization contribution of the relief association, "current assets" means the value of all assets at cost, including realized capital gains and losses, plus or minus, whichever applies, the average value of total unrealized capital gains or losses for the most recent three-year period ending with the end of the plan year immediately preceding the actuarial valuation report transmission date; and

(2) in calculating the applicable portions of the actuarial valuation, an annual preretirement interest assumption of six percent, an annual postretirement interest assumption of six percent, and an annual salary increase assumption of four percent must be used.

Sec. 3. Minnesota Statutes 2002, section 423B.01, subdivision 12, is amended to read:

Subd. 12. [EXCESS INVESTMENT INCOME.] "Excess investment income" means the amount, if any, by which the average time weighted total rate of return earned by the fund in the most recent prior ~~five~~ two fiscal years has exceeded the actual average percentage increase in the current monthly salary of a first grade patrol officer in the most recent prior ~~five~~ two fiscal years plus two percent, and must be expressed as a dollar amount. The amount may not exceed one percent of the total assets of the fund, except when the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is greater than 102 percent of its actuarial accrued liabilities, in which case the amount must not exceed 1-1/2 percent of the total assets of the fund, and does not exist unless the yearly average percentage increase of the time weighted total rate of return of the fund for the previous ~~five~~ two years exceeds by two percent the yearly average percentage increase in monthly salary of a first grade patrol officer during the previous ~~five~~ two calendar years.

Sec. 4. Minnesota Statutes 2002, section 423B.09, subdivision 1, is amended to read:

Subdivision 1. [MINNEAPOLIS POLICE; PERSONS ENTITLED TO RECEIVE PENSIONS.] The association shall grant pensions payable from the police pension fund in monthly installments to persons entitled to pensions in the manner and for the following purposes.

(a) ~~When the actuarial value of assets of the fund according to the most recent annual actuarial valuation performed in accordance with sections 356.215 and 356.216 is less than 90 percent of the actuarial accrued liabilities, an active member or a deferred pensioner who has performed duty as a member of the police department of the city for five years or more, upon written application after retiring from duty and reaching at least age 50, is entitled to be paid monthly for life a service pension equal to eight units. For full years of service beyond five years, the service pension increases by 1.6 units for each full year, to a maximum of 40 units. When the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is greater than 90 percent of actuarial accrued liabilities, Active members, deferred members, and service pensioners are entitled to a service pension according to the following schedule:~~

5 years	8.0 units
6 years	9.6 units
7 years	11.2 units
8 years	12.8 units
9 years	14.4 units
10 years	16.0 units
11 years	17.6 units
12 years	19.2 units
13 years	20.8 units
14 years	22.4 units
15 years	24.0 units
16 years	25.6 units
17 years	27.2 units
18 years	28.8 units
19 years	30.4 units
20 years	<del>34.0</del> <u>35.0</u> units
21 years	<del>35.6</del> <u>36.6</u> units

22 years	<del>37.2</del> <u>38.2</u> units
23 years	<del>38.8</del> <u>39.8</u> units
24 years	<del>40.4</del> <u>41.4</u> units
25 years	<del>42.0</del> <u>43.0</u> units

Fractional years of service may not be used in computing pensions.

(b) An active member who after five years' service but less than 20 years' service with the police department of the city, becomes superannuated so as to be permanently unable to perform the person's assigned duties, is entitled to be paid monthly for life a superannuation pension equal to four units for five years of service and an additional two units for each full year of service over five years and less than 20 years.

(c) An active member who is not eligible for a service pension and who, while a member of the police department of the city, becomes diseased or sustains an injury while in the service that permanently unfits the member for the performance of police duties is entitled to be paid monthly for life a pension equal to 34 units while so disabled.

Sec. 5. Minnesota Statutes 2002, section 423B.09, is amended by adding a subdivision to read:

Subd. 7. [ADDITIONAL UNIT.] The additional unit provided to members by subdivision 1 must also be provided to members who selected a joint annuity option under subdivision 6 and must be in an amount that is actuarially equivalent to the service pension and the automatic survivor coverage for that additional unit.

Sec. 6. Minnesota Statutes 2002, section 423B.10, subdivision 1, is amended to read:

Subdivision 1. [ENTITLEMENT; BENEFIT AMOUNT.] (a) The surviving spouse of a deceased service pensioner, disability pensioner, deferred pensioner, superannuation pensioner, or active member, who was the legally married spouse of the decedent, residing with the decedent, and who was married while or before the time the decedent was on the payroll of the police department, and who, if the deceased member was a service or deferred pensioner, was legally married to the member for a period of at least one year before retirement from the police department, is entitled to a surviving spouse benefit. The surviving spouse benefit is equal to ~~22~~ 23 units per month if the person is the surviving spouse of a deceased active member or disabilitant. The surviving spouse benefit is equal to six units per month, plus an additional one unit for each year of service to the credit of the decedent in excess of five years, to a maximum of ~~22~~ 23 units per month, if the person is the surviving spouse of a deceased service pensioner, deferred pensioner, or superannuation pensioner. The surviving spouse benefit is payable for the life of the surviving spouse.

(b) A surviving child of a deceased service pensioner, disability pensioner, deferred pensioner, superannuation pensioner, or active member, who was living while the decedent was an active member of the police department or was born within nine months after the decedent terminated active service in the police department, is entitled to a surviving child benefit. The surviving child benefit is equal to eight units per month if the person is the surviving child of a deceased active member or disabilitant. The surviving child benefit is equal to two units per month, plus an additional four-tenths of one unit per month for each year of service to the credit of the decedent in excess of five years, to a maximum of eight units, if the person is the surviving child of a deceased service pensioner, deferred pensioner, or superannuation pensioner. The surviving child benefit is payable until the person attains age 18, or, if in full-time attendance during the normal school year, in a school approved by the board of directors, until the person receives a bachelor's degree or attains the age of 22 years, whichever occurs first. In the event of the death of both parents leaving a surviving child or children entitled to a surviving child benefit as determined in this paragraph, the surviving child is, or the surviving children are, entitled to a surviving child benefit in such sums as determined by the board of directors to be necessary for the care and education of such surviving child or children, but not to exceed the family maximum benefit per month, to the children of any one family.

(c) The surviving spouse and surviving child benefits are subject to a family maximum benefit. The family maximum benefit is 41 units per month.

(d) A surviving spouse who is otherwise not qualified may receive a benefit if the surviving spouse was married to the decedent for a period of five years and was residing with the decedent at the time of death. The surviving spouse benefit is the same as that provided in paragraph (a), except that if the surviving spouse is younger than the decedent, the surviving spouse benefit must be actuarially equivalent to a surviving spouse benefit that would have been paid to the member's spouse had the member been married to a person of the same age or a greater age than the member's age before retirement.

Sec. 7. Minnesota Statutes 2002, section 423B.15, subdivision 3, is amended to read:

Subd. 3. [AMOUNT OF ANNUAL POSTRETIREMENT PAYMENT.] The amount determined under subdivision 2 must be applied in accordance with this subdivision. When the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is less than 102 percent of its total actuarial liabilities, the relief association shall apply the first one-half of excess investment income to the payment of an annual postretirement payment as specified in this subdivision and the second one-half of excess investment income up to one-half of one percent of the assets of the fund must be applied to reduce the state amortization state aid or supplementary amortization state aid payments otherwise due to the relief association under section 423A.02 for the current calendar year. When the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is less than 102 percent funded and other conditions are met, the relief association shall pay an annual postretirement payment to all eligible members in an amount not to exceed one-half of one percent of the assets of the fund. When the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is greater than 102 percent of its actuarial accrued liabilities, the relief association shall pay an annual postretirement payment to all eligible members in an amount not to exceed 1-1/2 percent of the assets of the fund. Payment of the annual postretirement payment must be in a lump sum amount on June 1 following the determination date in any year. Payment of the annual postretirement payment may be made only if the average time weighted total rate of return for the most recent prior ~~five~~ two years exceeds by two percent the actual average percentage increase in the current monthly salary of a top grade patrol officer in the most recent prior ~~five~~ two fiscal years. The total amount of all payments to members may not exceed the amount determined under this subdivision. Payment to each eligible member must be calculated by dividing the total number of pension units to which eligible members are entitled into the excess investment income available for distribution to members, and then multiplying that result by the number of units to which each eligible member is entitled to determine each eligible member's annual postretirement payment. When the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is less than 102 percent of its actuarial accrued liabilities, payment to each eligible member may not exceed an amount equal to the total monthly benefit that the eligible member was entitled to in the prior year under the terms of the benefit plan of the relief association or each eligible member's proportionate share of the excess investment income, whichever is less. When the actuarial value of assets of the fund according to the most recent annual actuarial valuation prepared in accordance with sections 356.215 and 356.216 is greater than 102 percent of its actuarial accrued liabilities, payment to each eligible member must not exceed the member's proportionate share of 1-1/2 percent of the assets of the fund.

A person who received a pension or benefit for the entire 12 months before the determination date is eligible for a full annual postretirement payment. A person who received a pension or benefit for less than 12 months before the determination date is eligible for a prorated annual postretirement payment.

Sec. 8. [423B.22] [GUARANTEED PENSION PROVISION.]

Once a pension benefit is properly paid in accordance with this law to any member, the dollar amount of that pension benefit shall not be reduced.

Sec. 9. [LOCAL APPROVAL; NONSEVERABILITY.]

Sections 1 to 8 are not severable and are effective on the day after the date of the approval by the city council of the city of Minneapolis and the timely completion by the chief clerical officer of the city of Minneapolis of compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Amend the title as follows:

Page 1, line 39, after the first semicolon, insert "modifying Minneapolis Police Relief Association provisions;"

Page 1, line 40, after "2;" insert "69.77, subdivision 4;"

Page 2, line 21, after "18;" insert "356.216;"

Page 2, line 23, after "4;" insert "423B.01, subdivision 12;"

Page 2, line 24, delete "subdivision 4;" and insert "subdivisions 1, 4, by adding a subdivision; 423B.10, subdivision 1; 423B.15, subdivision 3;"

Page 2, line 33, after "356;" insert "423B;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 1593, A bill for an act relating to animals; regulating certain bears, primates, and members of the Felidae family; imposing a penalty; proposing coding for new law in Minnesota Statutes, chapter 346.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 1783, A bill for an act relating to employment; prohibiting employers from asking applicants about National Guard or reserve status; proposing coding for new law in Minnesota Statutes, chapter 181.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.

Stang from the Committee on Higher Education Finance to which was referred:

H. F. No. 1814, A bill for an act relating to education; providing for a teacher training program for qualified professionals; proposing coding for new law in Minnesota Statutes, chapter 122A.

Reported the same back with the following amendments:

Page 1, line 13, after "Providers" insert ", approved by the commissioner under subdivision 3."

Page 1, line 14, after "program" insert "to train a maximum of 300 teachers per year"

Page 2, line 19, before the period, insert ", including those offering degrees in teaching preparation" and after the period, insert:

"By January 15, 2005, the commissioner must report to the legislative committees with responsibility for higher education on the criteria for teacher training programs developed by the advisory group under this subdivision."

Page 2, line 27, after "section" insert "to train a maximum of 300 teachers per year"

Page 3, line 4, after the comma, insert "passes the Praxis II pedagogy test."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Education Finance.

The report was adopted.

Bradley from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 1828, A bill for an act relating to the Minnesota family investment program; adding county adoption assistance payments up to amount equal to state adoption assistance payments to income exclusions for purposes of MFIP-S eligibility; amending Minnesota Statutes 2003 Supplement, section 256J.21, subdivision 2.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Westrom from the Committee on Regulated Industries to which was referred:

H. F. No. 1830, A bill for an act relating to utilities; modifying low-income electric rate discount program; amending Minnesota Statutes 2002, section 216B.16, subdivision 14.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 216B.16, subdivision 14, is amended to read:

Subd. 14. [LOW-INCOME ELECTRIC RATE DISCOUNT.] A public utility shall ~~provide~~ fund an affordability program for low-income customers in an amount based on a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period for ~~a low-income residential customer~~ customers of the utility. For the purposes of this subdivision, "low-income" ~~means~~ describes a customer who is receiving assistance from the federal low-income home energy assistance program. The affordability program must be designed to target participating customers with the lowest incomes and highest energy costs in order to lower the percentage of income they devote to energy bills, increase their payments, and lower costs associated with collection activities on their accounts. For low-income customers who are 62 years of age or older or disabled, the program must, in addition to any other program benefits, include a 50 percent electric rate discount on the first 300 kilowatt hours consumed in a billing period. For the purposes of this subdivision, "public utility" includes only those public utilities with more than 200,000 residential electric service customers. The commission may issue orders necessary to implement, administer, and recover the ~~discount rate~~ costs of the program on a timely basis.

[EFFECTIVE DATE.] This section is effective July 1, 2004.

Sec. 2. Minnesota Statutes 2003 Supplement, section 216B.241, subdivision 1b, is amended to read:

Subd. 1b. [CONSERVATION IMPROVEMENT BY COOPERATIVE ASSOCIATION OR MUNICIPALITY.] (a) This subdivision applies to:

- (1) a cooperative electric association that provides retail service to its members;
- (2) a municipality that provides electric service to retail customers; and
- (3) a municipality with gross operating revenues in excess of \$5,000,000 from sales of natural gas to retail customers.

(b) Each cooperative electric association and municipality subject to this subdivision shall spend and invest for energy conservation improvements under this subdivision the following amounts:

(1) for a municipality, 0.5 percent of its gross operating revenues from the sale of gas and 1.5 percent of its gross operating revenues from the sale of electricity, excluding gross operating revenues from electric and gas service provided in the state to large electric customer facilities; and

(2) for a cooperative electric association, 1.5 percent of its gross operating revenues from service provided in the state, excluding gross operating revenues from service provided in the state to large electric customer facilities indirectly through a distribution cooperative electric association.

(c) Each municipality and cooperative electric association subject to this subdivision shall identify and implement energy conservation improvement spending and investments that are appropriate for the municipality or association, except that a municipality or association may not spend or invest for energy conservation improvements that directly benefit a large electric customer facility for which the commissioner has issued an exemption under subdivision 1a, paragraph (b).

(d) Each municipality and cooperative electric association subject to this subdivision may spend and invest annually up to ten percent of the total amount required to be spent and invested on energy conservation improvements under this subdivision on research and development projects that meet the definition of energy conservation improvement in subdivision 1 and that are funded directly by the municipality or cooperative electric association.

(e) Load-management activities that do not reduce energy use but that increase the efficiency of the electric system may be used to meet the following percentage of the conservation investment and spending requirements of this subdivision:

- (1) 2002 - 90 percent;
- (2) 2003 - 80 percent;
- (3) 2004 - 65 percent; and
- (4) 2005 and thereafter - 50 percent.

(f) A generation and transmission cooperative electric association that provides energy services to cooperative electric associations that provide electric service at retail to consumers may invest in energy conservation improvements on behalf of the associations it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis. A municipal power agency or other not-for-profit entity that provides energy service to municipal utilities that provide electric service at retail may invest in energy conservation improvements on behalf of the municipal utilities it serves and may fulfill the conservation, spending, reporting, and energy savings goals on an aggregate basis, under an agreement between the municipal power agency or not-for-profit entity and each municipal utility for funding the investments.

(g) By June 1, 2002, and every two years thereafter, each municipality or cooperative shall file an overview of its conservation improvement plan with the commissioner. With this overview, the municipality or cooperative shall also provide an evaluation to the commissioner detailing its energy conservation improvement spending and investments for the previous period. The evaluation must briefly describe each conservation program and must specify the energy savings or increased efficiency in the use of energy within the service territory of the utility or association that is the result of the spending and investments. The evaluation must analyze the cost-effectiveness of the utility's or association's conservation programs, using a list of baseline energy and capacity savings assumptions developed in consultation with the department. The commissioner shall review each evaluation and make recommendations, where appropriate, to the municipality or association to increase the effectiveness of conservation improvement activities. Up to three percent of a utility's conservation spending obligation under this section may be used for program pre-evaluation, testing, and monitoring and program evaluation. The overview and evaluation filed by a municipality with less than ~~\$2,500,000~~ 60,000,000 kilowatt hours in annual ~~gross revenues from the retail sale~~ sales of electric service may consist of a letter from the governing board of the municipal utility to the department providing the amount of annual conservation spending required of that municipality and certifying that the required amount has been spent on conservation programs pursuant to this subdivision.

(h) The commissioner shall also review each evaluation for whether a portion of the money spent on residential conservation improvement programs is devoted to programs that directly address the needs of renters and low-income persons unless an insufficient number of appropriate programs are available. For the purposes of this subdivision and subdivision 2, "low-income" means an income at or below 50 percent of the state median income.

(i) As part of its spending for conservation improvement, a municipality or association may contribute to the energy and conservation account. A municipality or association may propose to the commissioner to designate that all or a portion of funds contributed to the account be used for research and development projects that can best be implemented on a statewide basis. Any amount contributed must be remitted to the commissioner by February 1 of each year.

(j) A municipality may spend up to 50 percent of its required spending under this section to refurbish an existing district heating or cooling system. This paragraph expires July 1, 2007.

## Sec. 3. [REPEALER.]

Minnesota Statutes 2002, section 325E.015, is repealed.

Delete the title and insert:

"A bill for an act relating to utilities; modifying the low-income electric rate discount program; regulating conservation improvement by cooperatives and municipalities; eliminating the budget payment plans as a required customer option; amending Minnesota Statutes 2002, section 216B.16, subdivision 14; Minnesota Statutes Supplement 2003, section 216B.241, subdivision 1b; repealing Minnesota Statutes 2002, section 325E.015."

With the recommendation that when so amended the bill pass.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2035, A bill for an act relating to employment; regulating vocational rehabilitation and supported employment; expanding what activities qualify as supported employment; amending Minnesota Statutes 2002, section 268A.01, subdivision 13.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. [PILOT PROJECT.]

The commissioner of employment and economic development shall conduct an extended employment pilot project to study an industrial model for employment for individuals with severe disabilities in Thief River Falls, Minnesota.

Employment is to be provided by Custom Products, a division of Occupational Development Center. During the pilot, employment outcomes for individuals with severe disabilities will be assumed to be community employment as defined under Minnesota Rules, part 3300.2005. The pilot project will begin July 1, 2004, and end June 30, 2005. Evaluation of the pilot project must be completed by the commissioner by October 1, 2005.

The pilot project must maintain a minimum ratio of 60 percent of nondisabled persons, must pay minimum wages or better to all employees with severe disabilities, and must provide them a level of benefits equal to those provided to nondisabled employees. All work teams must be integrated.

The pilot project must provide the extended employment program with useful information to clarify the distinction between center-based and community employment subprograms. The commissioner shall consider the findings of the pilot project in adopting rules.

Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective the day following final enactment."

Delete the title and insert:

"A bill for an act relating to employment; directing the commissioner of employment and economic development to conduct an extended employment pilot project."

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 2095, A bill for an act relating to mortgage foreclosure; providing for rescission of foreclosure consultant contracts; regulating foreclosure consultant contracts; providing remedies for foreclosure violations; requiring foreclosure purchasers to enter foreclosure reconveyances in the form of written contracts; regulating foreclosure contracts; prohibiting certain foreclosure purchaser practices; providing enforcement remedies; requiring certain foreclosure notices; imposing criminal penalties; amending Minnesota Statutes 2002, section 580.03; proposing coding for new law in Minnesota Statutes, chapter 580; proposing coding for new law as Minnesota Statutes, chapter 325N.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

#### "FORECLOSURE CONSULTANTS

Section 1. [325N.01] [DEFINITIONS.]

The definitions in paragraphs (a) to (h) apply to sections 325N.01 to 325N.09.

(a) "Foreclosure consultant" means any person who, directly or indirectly, makes any solicitation, representation, or offer to any owner to perform for compensation or who, for compensation, performs any service which the person in any manner represents will in any manner do any of the following:

(1) stop or postpone the foreclosure sale;

(2) obtain any forbearance from any beneficiary or mortgagee;

(3) assist the owner to exercise the right or reinstatement provided in section 580.30;

(4) obtain any extension of the period within which the owner may reinstate the owner's obligation;

(5) obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a residence in foreclosure or contained in the mortgage;

(6) assist the owner in foreclosure or loan default to obtain a loan or advance of funds;

(7) avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale; or

(8) save the owner's residence from foreclosure.

(b) A foreclosure consultant does not include any of the following:

(1) a person licensed to practice law in this state when the person renders service in the course of his or her practice as an attorney-at-law;

(2) a person licensed as a debt prorater under sections 332.12 to 332.29, when the person is acting as a debt prorater as defined in these sections;

(3) a person licensed as a real estate broker or salesperson under chapter 82 when the person engages in acts whose performance requires licensure under that chapter unless the person is engaged in offering services designed to, or purportedly designed to, enable the owner to retain possession of the residence in foreclosure;

(4) a person licensed as an accountant under chapter 326A when the person is acting in any capacity for which the person is licensed under those provisions;

(5) a person or the person's authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development or other department or agency of the United States or this state to provide services;

(6) a person who holds or is owed an obligation secured by a lien on any residence in foreclosure when the person performs services in connection with this obligation or lien if the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

(7) any person or entity doing business under any law of this state, or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or employee of these persons or entities while engaged in the business of these persons or entities;

(8) a person licensed as a residential mortgage originator or servicer pursuant to chapter 58, when acting under the authority of that license or a foreclosure purchaser as defined in section 325N.10;

(9) a nonprofit agency or organization that offers counseling or advice to an owner of a home in foreclosure or loan default if they do not contract for services with for-profit lenders or foreclosure purchasers; and

(10) a judgment creditor of the owner, to the extent that the judgment creditor's claim accrued prior to the personal service of the foreclosure notice required by section 580.03, but excluding a person who purchased the claim after such personal service.

(c) "Foreclosure reconveyance" means a transaction involving:

(1) the transfer of title to real property by a foreclosed homeowner during a foreclosure proceeding, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the foreclosure process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder; and

(2) the subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to possess the real property following the completion of the foreclosure proceeding, which interest includes, but is not limited to, an interest in a contract for deed, purchase agreement, option to purchase, or lease.

(d) "Person" means any individual, partnership, corporation, limited liability company, association, or other group, however organized.

(e) "Service" means and includes, but is not limited to, any of the following:

(1) debt, budget, or financial counseling of any type;

(2) receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a residence in foreclosure;

(3) contacting creditors on behalf of an owner of a residence in foreclosure;

(4) arranging or attempting to arrange for an extension of the period within which the owner of a residence in foreclosure may cure the owner's default and reinstate his or her obligation pursuant to section 580.30;

(5) arranging or attempting to arrange for any delay or postponement of the time of sale of the residence in foreclosure;

(6) advising the filing of any document or assisting in any manner in the preparation of any document for filing with any bankruptcy court; or

(7) giving any advice, explanation, or instruction to an owner of a residence in foreclosure, which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a lien on the residence in foreclosure, the full satisfaction of that obligation, or the postponement or avoidance of a sale of a residence in foreclosure, pursuant to a power of sale contained in any mortgage.

(f) "Residence in foreclosure" means residential real property consisting of one to four family dwelling units, one of which the owner occupies as his or her principal place of residence, and against which there is an outstanding notice of pendency of foreclosure, recorded pursuant to section 580.032, or against which a summons and complaint has been served under chapter 581.

(g) "Owner" means the record owner of the residential real property in foreclosure at the time the notice of pendency was recorded, or the summons and complaint served.

(h) "Contract" means any agreement, or any term in any agreement, between a foreclosure consultant and an owner for the rendition of any service as defined in paragraph (d).

Sec. 2. [325N.02] [RESCISSION OF FORECLOSURE CONSULTANT CONTRACT.]

(a) In addition to any other right under law to rescind a contract, an owner has the right to cancel such a contract until midnight of the third business day after the day on which the owner signs a contract which complies with section 325N.03.

(b) Cancellation occurs when the owner gives written notice of cancellation to the foreclosure consultant at the address specified in the contract.

(c) Notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid.

(d) Notice of cancellation given by the owner need not take the particular form as provided with the contract and, however expressed, is effective if it indicates the intention of the owner not to be bound by the contract.

Sec. 3. [325N.03] [CONTRACT.]

(a) Every contract must be in writing and must fully disclose the exact nature of the foreclosure consultant's services and the total amount and terms of compensation.

(b) The following notice, printed in at least 14-point boldface type and completed with the name of the foreclosure consultant, must be printed immediately above the statement required by paragraph (c):

"NOTICE REQUIRED BY MINNESOTA LAW

..... (Name) or anyone working  
for him or her CANNOT:

(1) Take any money from you or ask you  
for money until ..... (Name)  
has completely finished doing everything  
he or she said he or she would do; and

(2) Ask you to sign or have you sign any  
lien, mortgage, or deed."

(c) The contract must be written in the same language as principally used by the foreclosure consultant to describe his or her services or to negotiate the contract, must be dated and signed by the owner, and must contain in immediate proximity to the space reserved for the owner's signature a conspicuous statement in a size equal to at least 10-point bold type, as follows:

"You, the owner, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right."

(d) The contract must contain on the first page, in a type size no smaller than that generally used in the body of the document, each of the following:

(1) the name and address of the foreclosure consultant to which the notice of cancellation is to be mailed; and

(2) the date the owner signed the contract.

(e) The contract must be accompanied by a completed form in duplicate, captioned "notice of cancellation," which must be attached to the contract, must be easily detachable, and must contain in at least ten-point type the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....  
(Enter date of transaction) (Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice

to .....  
(Name of foreclosure consultant)

at .....  
(Address of foreclosure consultant's place of business)

NOT LATER THAN MIDNIGHT OF .....  
(Date)

I hereby cancel this transaction .....  
(Date)

.....  
(Owner's signature)"

(f) The foreclosure consultant shall provide the owner with a copy of the contract and the attached notice of cancellation immediately upon execution of the contract.

(g) The three business days during which the owner may cancel the contract shall not begin to run until the foreclosure consultant has complied with this section.

Sec. 4. [325N.04] [VIOLATIONS.]

It is a violation for a foreclosure consultant to:

(1) claim, demand, charge, collect, or receive any compensation until after the foreclosure consultant has fully performed each and every service the foreclosure consultant contracted to perform or represented he or she would perform;

(2) claim, demand, charge, collect, or receive any fee, interest, or any other compensation for any reason which exceeds eight percent per annum of the amount of any loan which the foreclosure consultant may make to the owner;

(3) take any wage assignment, any lien of any type on real or personal property, or other security to secure the payment of compensation. Any such security is void and unenforceable;

(4) receive any consideration from any third party in connection with services rendered to an owner unless the consideration is first fully disclosed to the owner;

(5) acquire any interest, directly or indirectly, or by means of a subsidiary or affiliate in a residence in foreclosure from an owner with whom the foreclosure consultant has contracted;

(6) take any power of attorney from an owner for any purpose, except to inspect documents as provided by law; or

(7) induce or attempt to induce any owner to enter a contract which does not comply in all respects with sections 325N.02 and 325N.03.

## Sec. 5. [325N.05] [WAIVER NOT ALLOWED.]

Any waiver by an owner of the provisions of sections 325N.01 to 325N.09 is void and unenforceable as contrary to public policy. Any attempt by a foreclosure consultant to induce an owner to waive the owner's rights is a violation of sections 325N.01 to 325N.09.

## Sec. 6. [325N.06] [REMEDIES.]

(a) A violation of sections 325N.01 to 325N.09 is considered to be a violation of section 325F.69, and all remedies of section 8.31 are available for such an action. A private cause of action under section 8.31 by a foreclosed homeowner is in the public interest. An owner may bring an action against a foreclosure consultant for any violation of sections 325N.01 to 325N.09. Judgment must be entered for actual damages, reasonable attorney fees and costs, and appropriate equitable relief.

(b) The rights and remedies provided in paragraph (a) are cumulative to, and not a limitation of, any other rights and remedies provided by law. Any action brought pursuant to this section must be commenced within four years from the date of the alleged violation.

(c) The court may award exemplary damages up to one and one-half times the compensation charged by the foreclosure consultant if the court finds that the foreclosure consultant violated the provisions of section 325N.04, paragraph (1), (2), or (4), and the foreclosure consultant's conduct was in bad faith.

## Sec. 7. [325N.07] [PENALTY.]

Any person who commits any violation described in section 325N.04 may, upon conviction, be fined not more than \$10,000 or imprisoned not more than one year or both. Prosecution or conviction for any violation described in section 325N.04 will not bar prosecution or conviction for any other offenses. These penalties are cumulative to any other remedies or penalties provided by law.

## Sec. 8. [325N.08] [PROVISIONS SEVERABLE.]

If any provision of sections 325N.01 to 325N.09 or the application of any of these provisions to any person or circumstance is held to be unconstitutional and void, the remainder of sections 325N.01 to 325N.09 remains valid.

## Sec. 9. [325N.09] [LIABILITY.]

(a) Any provision in a contract which attempts or purports to require arbitration of any dispute arising under sections 325N.01 to 325N.09 is void at the option of the owner.

(b) This section applies to any contract entered into on or after August 1, 2004.

## FORECLOSURE PURCHASERS

## Sec. 10. [325N.10] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 325N.10 to 325N.18, the terms defined in this section have the meanings given them.

Subd. 2. [FORECLOSED HOMEOWNER.] "Foreclosed homeowner" means an owner of residential real property, including a condominium, that is the primary residence of the owner and whose mortgage on the real property is or was in foreclosure.

Subd. 3. [FORECLOSURE RECONVEYANCE.] "Foreclosure reconveyance" means a transaction involving:

(1) the transfer of title to real property by a foreclosed homeowner during a foreclosure proceeding, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the foreclosure process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder; and

(2) the subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to possess the real property following the completion of the foreclosure proceeding, which interest includes, but is not limited to, an interest in a contract for deed, purchase agreement, option to purchase, or lease.

Subd. 4. [FORECLOSURE PURCHASER.] "Foreclosure purchaser" means a person that has acted as the acquirer in more than one foreclosure reconveyance during any 24-month period. Foreclosure purchaser also includes a person that has acted in joint venture or joint enterprise with one or more acquirers in more than one foreclosure reconveyance during any 24-month period. A federal or state chartered bank, savings bank, thrift, or credit union is not a foreclosure purchaser.

Sec. 11. [325N.11] [CONTRACT REQUIREMENT; FORM AND LANGUAGE.]

A foreclosure purchaser shall enter into every foreclosure reconveyance in the form of a written contract. Every contract must be written in letters of a size equal to at least 12-point boldface type, in the same language principally used by the foreclosure purchaser and foreclosed homeowner to negotiate the sale of the residence in foreclosure and must be fully completed and signed and dated by the foreclosed homeowner and foreclosure purchaser before the execution of any instrument of conveyance of the residence in foreclosure.

Sec. 12. [325N.12] [CONTRACT TERMS.]

Every contract required by section 325N.11 must contain the entire agreement of the parties and must include the following terms:

(1) the name, business address, and the telephone number of the foreclosure purchaser;

(2) the address of the residence in foreclosure;

(3) the total consideration to be given by the foreclosure purchaser in connection with or incident to the sale;

(4) a complete description of the terms of payment or other consideration including, but not limited to, any services of any nature that the foreclosure purchaser represents he or she will perform for the foreclosed homeowner before or after the sale;

(5) the time at which possession is to be transferred to the foreclosure purchaser;

(6) a complete description of the terms of any related agreement designed to allow the foreclosed homeowner to remain in the home, such as a rental agreement, repurchase agreement, contract for deed, or lease with option to buy;

(7) a notice of cancellation as provided in section 325N.14, paragraph (b); and

(8) the following notice in at least 14-point boldface type, if the contract is printed or in capital letters if the contract is typed, and completed with the name of the foreclosure purchaser, immediately above the statement required by section 325N.14, paragraph (a):

"NOTICE REQUIRED BY MINNESOTA LAW

Until your right to cancel this contract has ended, . . . . . (Name) or anyone working for . . . . . (Name) CANNOT ask you to sign or have you sign any deed or any other document."

The contract required by this section survives delivery of any instrument of conveyance of the residence in foreclosure, and has no effect on persons other than the parties to the contract.

Sec. 13. [325N.13] [CONTRACT CANCELLATION.]

(a) In addition to any other right of rescission, the foreclosed homeowner has the right to cancel any contract with a foreclosure purchaser until midnight of the fifth business day following the day on which the foreclosed homeowner signs a contract that complies with sections 325N.10 to 325N.15 or until 8:00 a.m. on the last day of the period during which the foreclosed homeowner has a right of redemption, whichever occurs first.

(b) Cancellation occurs when the foreclosed homeowner delivers, by any means, written notice of cancellation to the address specified in the contract.

(c) A notice of cancellation given by the foreclosed homeowner need not take the particular form as provided with the contract.

(d) Within ten days following receipt of a notice of cancellation given in accordance with this section, the foreclosure purchaser shall return without condition any original contract and any other documents signed by the foreclosed homeowner.

Sec. 14. [325N.14] [NOTICE OF CANCELLATION.]

(a) The contract must contain in immediate proximity to the space reserved for the foreclosed homeowner's signature a conspicuous statement in a size equal to at least 14-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, as follows:

"You may cancel this contract for the sale of your house without any penalty or obligation at any time before

.....  
(Date and time of day)

See the attached notice of cancellation form for an explanation of this right."

The foreclosure purchaser shall accurately enter the date and time of day on which the cancellation right ends.

(b) The contract must be accompanied by a completed form in duplicate, captioned "notice of cancellation" in a size equal to a 12-point boldface type if the contract is printed, or in capital letters, if the contract is typed, followed by a space in which the foreclosure purchaser shall enter the date on which the foreclosed homeowner executes any contract. This form must be attached to the contract, must be easily detachable, and must contain in type of at least 10 points, if the contract is printed or in capital letters if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....  
(Enter date contract signed)

You may cancel this contract for the sale of your house, without any penalty or obligation, at any time before

.....  
(Enter date and time of day)

To cancel this transaction, personally deliver a signed and dated copy of this cancellation notice to

.....  
(Name of purchaser)

at .....  
(Street address of purchaser's place of business)

NOT LATER THAN .....  
(Enter date and time of day)

I hereby cancel this transaction .....  
(Date)

.....  
(Seller's signature)"

(c) The foreclosure purchaser shall provide the foreclosed homeowner with a copy of the contract and the attached notice of cancellation at the time the contract is executed by all parties.

(d) The five business days during which the foreclosed homeowner may cancel the contract must not begin to run until all parties to the contract have executed the contract and the foreclosure purchaser has complied with this section.

Sec. 15. [325N.15] [WAIVER.]

Any waiver of the provisions of sections 325N.10 to 315N.18 is void and unenforceable as contrary to public policy except a consumer may waive the five-day right to cancel provided in section 325N.13 if the property is subject to a foreclosure sale within the five business days, and the foreclosed homeowner agrees to waive his or her right to cancel in a handwritten statement signed by all parties holding title to the foreclosed property.

Sec. 16. [325N.16] [LIABILITY.]

(a) Any provision in a contract which attempts or purports to require arbitration of any dispute arising under sections 325N.10 to 325N.18 is void at the option of the owner.

(b) This section applies to any contract entered into on or after August 1, 2004.

## Sec. 17. [325N.17] [PROHIBITED PRACTICES.]

A foreclosure purchaser shall not:

(a) enter into, or attempt to enter into, a foreclosure reconveyance with a foreclosed homeowner unless:

(1) the foreclosure purchaser verifies and can demonstrate that the foreclosed homeowner has a reasonable ability to pay for the subsequent conveyance of an interest back to the foreclosed homeowner. In the case of a lease with an option to purchase, payment ability also includes the reasonable ability to make the lease payments and purchase the property within the term of the option to purchase. There is a rebuttable presumption that a homeowner is reasonably able to pay for the subsequent conveyance if the owner's payments for primary housing expenses and regular principal and interest payments on other personal debt, on a monthly basis, do not exceed 60 percent of the owner's monthly gross income. For the purposes of this section, "primary housing expenses" means the sum of payments for regular principal, interest, rent, hazard insurance, real estate taxes, and association dues;

(2) the foreclosure purchaser and the foreclosed homeowner complete a closing for any foreclosure reconveyance in which the foreclosure purchaser obtains a deed or mortgage from a foreclosed homeowner. For purposes of this section, "closing" means an in-person meeting to complete final documents incident to the sale of the real property or creation of a mortgage on the real property conducted by a closing agent, as defined in section 82.17, who is not employed by or an affiliate of the foreclosure purchaser;

(3) the foreclosure purchaser obtains the written consent of the foreclosed homeowner to a grant by the foreclosure purchaser of any interest in the property during such times as the foreclosed homeowner maintains any interest in the property; and

(4) the foreclosure purchaser complies with the requirements of the federal Home Ownership Equity Protection Act, United States Code, title 15, section 1639, or its implementing regulation, Code of Federal Regulations, title 12, sections 226.31 to 226.34, for any foreclosure reconveyance in which the foreclosed homeowner obtains a vendee interest in a contract for deed;

(b) fail to either:

(1) ensure that title to the subject dwelling has been reconveyed to the foreclosed homeowner; or

(2) make a payment to the foreclosed homeowner such that the foreclosed homeowner has received consideration in an amount of at least 85 percent of the fair market value of the property within 120 days of either the eviction or voluntary relinquishment of possession of the dwelling by the foreclosed homeowner. For purposes of this provision, the following applies:

(i) there is a rebuttable presumption that an appraisal by a person licensed or certified by an agency of the federal government or this state to appraise real estate constitutes the fair market value of the property;

(ii) the fair market value amount shall be determined at the time of the execution of the foreclosure reconveyance contract; and

(iii) "consideration" shall mean any payment or thing of value provided to the foreclosed homeowner, including unpaid rent or contract for deed payments owed by the foreclosed homeowner, reasonable costs paid to third parties necessary to complete the foreclosure reconveyance transaction, payment of money to satisfy a debt or legal obligation of the foreclosed homeowner, or the reasonable cost of repairs for damage to the dwelling caused by the foreclosed homeowner; but

(iv) "consideration" shall not include amounts imputed as a downpayment or fee to the foreclosure purchaser, or a person acting in participation with the foreclosure purchaser, incident to a contract for deed, lease, or option to purchase entered into as part of the foreclosure reconveyance, except for reasonable costs paid to third parties necessary to complete the foreclosure reconveyance;

(c) enter into repurchase or lease terms as part of the subsequent conveyance that are unfair or commercially unreasonable, or engages in any other unfair conduct;

(d) represent, directly or indirectly, that:

(1) the foreclosure purchaser is acting as an advisor or a consultant, or in any other manner represents that the foreclosure purchaser is acting on behalf of the homeowner;

(2) the foreclosure purchaser has certification or licensure that the foreclosure purchaser does not have, or that the foreclosure purchaser is not a member of a licensed profession if that is untrue;

(3) the foreclosure purchaser is assisting the foreclosed homeowner to "save the house" or substantially similar phrase; or

(4) the foreclosure purchaser is assisting the foreclosed homeowner in preventing a completed foreclosure if the result of the transaction is that the foreclosed homeowner will not complete a redemption of the property;

(e) make any other statements, directly or by implication, or engage in any other conduct that is false, deceptive, or misleading, or that has the likelihood to cause confusion or misunderstanding, including, but not limited to, statements regarding the value of the residence in foreclosure, the amount of proceeds the foreclosed homeowner will receive after a foreclosure sale, any contract term, or the foreclosed homeowner's rights or obligations incident to or arising out of the foreclosure reconveyance; or

(f) do any of the following until the time during which the foreclosed homeowner may cancel the transaction has fully elapsed:

(1) accept from any foreclosed homeowner an execution of, or induce any foreclosed homeowner to execute, any instrument of conveyance of any interest in the residence in foreclosure;

(2) record with the county recorder or file with the registrar of titles any document, including but not limited to, any instrument of conveyance, signed by the foreclosed homeowner;

(3) transfer or encumber or purport to transfer or encumber any interest in the residence in foreclosure to any third party, provided no grant of any interest or encumbrance is defeated or affected as against a bona fide purchaser or encumbrance for value and without notice of a violation of sections 325N.10 to 325N.18, and knowledge on the part of any such person or entity that the property was "residential real property in foreclosure" does not constitute notice of a violation of sections 325N.10 to 325N.18. This section does not abrogate any duty of inquiry which exists as to rights or interests of persons in possession of the residential real property in foreclosure; or

(4) pay the foreclosed homeowner any consideration.

Sec. 18. [325N.18] [ENFORCEMENT.]

Subdivision 1. [REMEDIES.] A violation of sections 325N.10 to 325N.17 is considered to be a violation of section 325F.69, and all the remedies of section 8.31 are available for such an action. A private right of action under section 8.31 by a foreclosed homeowner is in the public interest.

Subd. 2. [EXEMPLARY DAMAGES.] In a private right of action under section 8.31 for a violation of section 325N.17, the court may award exemplary damages of any amount. In the event the court determines that an award of exemplary damages is appropriate, the amount of exemplary damages awarded shall not be less than 1-1/2 times the foreclosed homeowner's actual damages. Any claim for exemplary damages brought pursuant to this section must be commenced within four years after the date of the alleged violation.

Subd. 3. [REMEDIES CUMULATIVE.] The remedies provided in this section are cumulative and do not restrict any remedy that is otherwise available. The provisions of sections 325N.10 to 325N.18 are not exclusive and are in addition to any other requirements, rights, remedies, and penalties provided by law. No action under this section shall affect the rights in the foreclosed property held by a good faith purchaser for value under sections 507.34, 508.48, 508A.48, or other applicable law.

Subd. 4. [CRIMINAL PENALTY.] Any foreclosure purchaser who violates any provision of section 325N.17, or who engages in any practice which would operate as a fraud or deceit upon a foreclosed homeowner may, upon conviction, be fined not more than \$100,000 or imprisoned not more than one year, or both. Prosecution or conviction for any one of the violations does not bar prosecution or conviction for any other offenses.

Sec. 19. Minnesota Statutes 2002, section 580.03, is amended to read:

580.03 [NOTICE OF SALE; SERVICE ON OCCUPANT.]

Six weeks' published notice shall be given that such mortgage will be foreclosed by sale of the mortgaged premises or some part thereof, and at least four weeks before the appointed time of sale a copy of such notice shall be served in like manner as a summons in a civil action in the district court upon the person in possession of the mortgaged premises, if the same are actually occupied. If there be a building on such premises used by a church or religious corporation, for its usual meetings, service upon any officer or trustee of such corporation shall be a sufficient service upon it. The notice required by section 580.041 must be served simultaneously with the notice of foreclosure required by this section.

Sec. 20. [580.041] [FORECLOSURE ADVICE NOTICE.]

Subdivision 1. [FORM AND DELIVERY OF NOTICE.] The notice required by this section must be in 14-point boldface type and must be printed on colored paper that is other than the color of the notice of foreclosure and that does not obscure or overshadow the content of the notice. The title of the notice must be in 20-point boldface type. The notice must be on its own page. The notice required by this section must be delivered with the notice of foreclosure required by sections 580.03 and 580.04. The notice required by this section also must be delivered with each subsequent written communication regarding the foreclosure mailed to the mortgagor by the foreclosing party up to the day of redemption. A foreclosing mortgagee will be deemed to have complied with this section if it sends the notice required by this section at least once every 60 days during the period of the foreclosure process. The notice required by this section must not be published.

Subd. 2. [CONTENT OF NOTICE.] The notice required by this section must appear substantially as follows:

"Help For Homeowners in Foreclosure

Minnesota law requires that we send you this notice about the foreclosure process. Please read it carefully.

Mortgage foreclosure is a complex process. Some people may approach you about "saving" your home. You should be careful about any such promises.

The state encourages you to become informed about your options in foreclosure before entering into any agreements with anyone in connection with the foreclosure of your home. There are government agencies and nonprofit organizations that you may contact for helpful information about the foreclosure process. For the name and telephone number of an organization near you please call the Minnesota Home Finance Agency (MHFA) at (insert telephone number). The state does not guarantee the advice of these agencies.

Do not delay dealing with the foreclosure because your options may become more limited as time passes."

Sec. 21. [PROVISIONS SEVERABLE.]

If any provision of this act, or if any application of this act to any person or circumstances is held unconstitutional and void, the remainder of this act remains valid."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.

Davids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2214, A bill for an act relating to insurance; requiring that certain information be provided to persons whose continuation health coverage is about to expire; amending Minnesota Statutes 2002, section 62A.65, subdivision 5.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2217, A bill for an act relating to traffic regulations; requiring vehicles to wait at railroad crossings until roadway is clear; amending Minnesota Statutes 2002, section 169.26, subdivision 1; Minnesota Statutes 2003 Supplement, section 169.28, subdivision 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2363, A bill for an act relating to natural resources; modifying provisions for the control of invasive and nonnative species; providing criminal and civil penalties; requiring rulemaking; amending Minnesota Statutes 2002, sections 17.4982, subdivision 18a; 84D.01, subdivisions 6, 9, 12, 13, 15, 17, 18, by adding subdivisions; 84D.02, subdivisions 1, 3, 4, 5, 6; 84D.03; 84D.04; 84D.05; 84D.06; 84D.07; 84D.08; 84D.09, subdivision 2;

84D.10, subdivisions 1, 3; 84D.11, subdivisions 1, 2, 2a; 84D.12; 84D.13, subdivisions 3, 4, 5; 86B.415, subdivision 7; 97C.821; Minnesota Statutes 2003 Supplement, sections 18.78, subdivision 2; 84.027, subdivision 13; 84D.14; repealing Minnesota Statutes 2002, section 84D.01, subdivisions 5, 7; Minnesota Rules, part 6216.0400, subpart 3.

Reported the same back with the following amendments:

Page 16, line 16, delete everything after "who" and insert "possesses, transports, or introduces a prohibited invasive species in violation of section 84D.05 is guilty of a misdemeanor. A person who imports, purchases, sells, or propagates a prohibited invasive species in violation of"

Pages 16 to 18, delete sections 34 and 35

Page 19, line 23, delete "41" and insert "39"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 4, delete "and civil"

Page 1, line 11, delete "subdivisions 3, 4, 5" and insert "subdivision 3"

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2436, A bill for an act relating to health; providing for public health emergencies; regulating public employees group long-term care insurance; amending Minnesota Statutes 2002, sections 12.03, subdivision 4d; 12.39, subdivision 2; 43A.318, subdivisions 1, 2; 144.419, subdivision 1; 144.4195, subdivisions 1, 2, 3, 5; Minnesota Statutes 2003 Supplement, section 13.37, subdivision 3; proposing coding for new law in Minnesota Statutes, chapters 12; 144; repealing Laws 2002, chapter 402, section 21.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Local Government and Metropolitan Affairs.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2537, A bill for an act relating to health; modifying the reporting system for adverse health care events; requiring certain boards to make certain reports; amending Minnesota Statutes 2002, sections 147.121, subdivision 2; 147A.15, subdivision 2; 148.264, subdivision 2; 153.25, subdivision 2; Minnesota Statutes 2003 Supplement, section 144.7065, subdivision 10; Laws 2003, chapter 99, section 7, as amended; proposing coding for new law in Minnesota Statutes, chapters 144; 147; 147A; 148; 151; 153.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2586, A bill for an act relating to education; providing for immunity from liability for school district and district employee notification of students with a history of violent behavior; amending Minnesota Statutes 2002, section 121A.75, by adding a subdivision; Minnesota Statutes 2003 Supplement, section 121A.64.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Hackbarth from the Committee on Environment and Natural Resources Policy to which was referred:

H. F. No. 2602, A bill for an act relating to the environment; requiring motor vehicle manufacturers to establish a mercury switch collection program; amending Minnesota Statutes 2002, section 116.92, subdivisions 3, 4; proposing coding for new law in Minnesota Statutes, chapter 115A.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 116.92, subdivision 4, is amended to read:

Subd. 4. [REMOVAL FROM SERVICE; PRODUCTS CONTAINING MERCURY.] (a) When an item listed in subdivision 3 is removed from service the mercury in the item must be reused, recycled, or otherwise managed to ensure compliance with section 115A.932.

(b) A person who is in the business of replacing or repairing an item listed in subdivision 3 in households shall ensure, or deliver the item to a facility that will ensure, that the mercury contained in an item that is replaced or repaired is reused or recycled or otherwise managed in compliance with section 115A.932.

(c) ~~A person may not crush a motor vehicle unless the person has first made a good faith effort to~~ recycler must remove all of the mercury switches in the motor vehicle before it is crushed. "Motor vehicle recycler" means any person or entity engaged in the business of acquiring, dismantling, or crushing six or more motor vehicles in a calendar year for the primary purpose of reselling the parts or materials.

Amend the title as follows:

Page 1, delete line 3

Page 1, line 4, delete "program" and insert "recyclers to remove mercury switches"

Page 1, delete lines 5 and 6 and insert "116.92, subdivision 4."

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Environment and Natural Resources Finance.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 2642, A bill for an act relating to family law; requiring a minimum of ten hours participation in a parent education program in contested custody or parenting time cases; amending Minnesota Statutes 2002, section 518.157, subdivision 3.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 518.091, is amended to read:

518.091 [SUMMONS; TEMPORARY RESTRAINING PROVISIONS; NOTICE REGARDING PARENT EDUCATION PROGRAM REQUIREMENTS.]

Subdivision 1. [TEMPORARY RESTRAINING ORDERS.] (a) Every summons must include the notice in this ~~paragraph~~ subdivision.

NOTICE OF TEMPORARY RESTRAINING AND ALTERNATIVE DISPUTE  
RESOLUTION PROVISIONS

UNDER MINNESOTA LAW, SERVICE OF THIS SUMMONS MAKES THE FOLLOWING REQUIREMENTS APPLY TO BOTH PARTIES TO THIS ACTION, UNLESS THEY ARE MODIFIED BY THE COURT OR THE PROCEEDING IS DISMISSED:

(1) NEITHER PARTY MAY DISPOSE OF ANY ASSETS EXCEPT (i) FOR THE NECESSITIES OF LIFE OR FOR THE NECESSARY GENERATION OF INCOME OR PRESERVATION OF ASSETS, (ii) BY AN AGREEMENT IN WRITING, OR (iii) FOR RETAINING COUNSEL TO CARRY ON OR TO CONTEST THIS PROCEEDING;

(2) NEITHER PARTY MAY HARASS THE OTHER PARTY; AND

(3) ALL CURRENTLY AVAILABLE INSURANCE COVERAGE MUST BE MAINTAINED AND CONTINUED WITHOUT CHANGE IN COVERAGE OR BENEFICIARY DESIGNATION.

IF YOU VIOLATE ANY OF THESE PROVISIONS, YOU WILL BE SUBJECT TO SANCTIONS BY THE COURT.

(4) PARTIES TO A MARRIAGE DISSOLUTION PROCEEDING ARE ENCOURAGED TO ATTEMPT ALTERNATIVE DISPUTE RESOLUTION PURSUANT TO MINNESOTA LAW. ALTERNATIVE DISPUTE RESOLUTION INCLUDES MEDIATION, ARBITRATION, AND OTHER PROCESSES AS SET FORTH IN THE DISTRICT COURT RULES. YOU MAY CONTACT THE COURT ADMINISTRATOR ABOUT RESOURCES IN YOUR AREA. IF YOU CANNOT PAY FOR MEDIATION OR ALTERNATIVE DISPUTE RESOLUTION, IN SOME COUNTIES, ASSISTANCE MAY BE AVAILABLE TO YOU THROUGH A NONPROFIT PROVIDER OR A COURT PROGRAM. IF YOU ARE A VICTIM OF DOMESTIC ABUSE OR THREATS OF ABUSE AS DEFINED IN MINNESOTA STATUTES, CHAPTER 518B, YOU ARE NOT REQUIRED TO TRY MEDIATION AND YOU WILL NOT BE PENALIZED BY THE COURT IN LATER PROCEEDINGS.

(b) Upon service of the summons, the restraining provisions contained in the notice apply by operation of law upon both parties until modified by further order of the court or dismissal of the proceeding, unless more than one year has passed since the last document was filed with the court.

Subd. 2. [PARENT EDUCATION PROGRAM REQUIREMENTS.] Every summons involving custody or parenting time of a minor child must include the notice in this subdivision.

NOTICE OF PARENT EDUCATION PROGRAM REQUIREMENTS

UNDER MINNESOTA STATUTES, SECTION 518.157, IN A CONTESTED PROCEEDING INVOLVING CUSTODY OR PARENTING TIME OF A MINOR CHILD, THE PARTIES MUST BEGIN PARTICIPATION IN A PARENT EDUCATION PROGRAM THAT MEETS MINIMUM STANDARDS PROMULGATED BY THE MINNESOTA SUPREME COURT WITHIN 30 DAYS AFTER THE FIRST FILING WITH THE COURT. IN SOME DISTRICTS, PARENTING EDUCATION MAY BE REQUIRED IN ALL CUSTODY OR PARENTING PROCEEDINGS. YOU MAY CONTACT THE DISTRICT COURT ADMINISTRATOR FOR ADDITIONAL INFORMATION REGARDING THIS REQUIREMENT AND THE AVAILABILITY OF PARENT EDUCATION PROGRAMS.

Sec. 2. Minnesota Statutes 2002, section 518.157, subdivision 3, is amended to read:

Subd. 3. [ATTENDANCE.] In a proceeding under this chapter ~~or sections 257.51 to 257.75~~ where custody or parenting time is contested, the parents of a minor child shall attend a minimum of eight hours in an orientation and education program that meets the minimum standards promulgated by the Minnesota Supreme Court. In all other proceedings involving custody, support, or parenting time the court may order the parents of a minor child to attend a parent education program. The program shall provide the court with names of persons who fail to attend the parent education program as ordered by the court. Persons who are separated or contemplating involvement in a dissolution, paternity, custody, or parenting time proceeding may attend a parent education program without a court order. Unless otherwise ordered by the court, participation in a parent education program must occur as early as possible begin within 30 days after the first filing with the court or as soon as practicable after that time based on the reasonable availability of classes for the program for the parent. Parent education programs must offer an opportunity to participate at all phases of a pending or postdecree proceeding. Upon request of a party and a showing of good cause, the court may excuse the party from attending the program. If past or present domestic abuse, as defined in chapter 518B, is alleged, the court shall not require the parties to attend the same parent education sessions and shall enter an order setting forth the manner in which the parties may safely participate in the program."

Delete the title and insert:

"A bill for an act relating to family law; requiring certain parent education programs; requiring a notice; amending Minnesota Statutes 2002, sections 518.091; 518.157, subdivision 3."

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 2679, A bill for an act relating to human services; making changes to forensic procedures; specifying patient rights; limiting civilly committed sexual psychopathic personalities and sexually dangerous persons from patients' and residents' bills of rights; amending Minnesota Statutes 2002, sections 243.55, subdivision 1; 253B.02,

by adding subdivisions; 253B.03, by adding a subdivision; 253B.18, subdivision 9; 253B.185, by adding a subdivision; Minnesota Statutes 2003 Supplement, sections 246.15, by adding a subdivision; 609.2231, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 253B.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Judiciary Policy and Finance.

The report was adopted.

Bradley from the Committee on Health and Human Services Finance to which was referred:

H. F. No. 2724, A bill for an act relating to human services; making changes affecting counties, human services policy, child care, assistance programs, adoption and child placement, child welfare, economic support, mental health, and continuing care for the elderly; amending Minnesota Statutes 2002, sections 119B.02, subdivision 4; 119B.03, subdivision 6; 119B.09, subdivision 4; 119B.21, subdivision 5; 144A.071, subdivision 1a; 245.462, subdivision 18; 245.464, by adding a subdivision; 256.01, by adding a subdivision; 256B.02, subdivision 12; 256B.056, by adding subdivisions; 256B.431, subdivision 37; 256B.5012, by adding a subdivision; 256D.02, subdivision 17; 256D.06, subdivision 5; 256J.67, subdivisions 1, 3; 256L.04, subdivision 2; 257.85, subdivisions 2, 3; 259.23, subdivisions 1, 2; 259.41, subdivision 3; 259.79, subdivision 1; 260C.001, subdivision 3; 260C.007, subdivisions 7, 8, 18, 22, 27; 260C.151, subdivision 6; 260C.178; 260C.201, subdivisions 1, 2, 6, 10, 11; 260C.212, subdivision 5; 260C.312; 260C.317, subdivision 3; 549.02, by adding a subdivision; 549.04; 626.556, subdivisions 1, 10f, 11c, by adding subdivisions; Minnesota Statutes 2003 Supplement, sections 119B.025, subdivision 1; 119B.125, subdivisions 1, 2; 245B.03, subdivision 2; 256.01, subdivision 2; 256B.0622, subdivision 8; 256B.431, subdivision 38; 256J.40; 256J.425, subdivision 7; 256J.46, subdivision 1; 256J.521, subdivision 2; 256J.626, subdivisions 6, 7; 256J.95, subdivisions 10, 12; 260.012; 626.556, subdivisions 2, 3, 10, 10b, 10e, 10i, 11; repealing Minnesota Statutes 2002, sections 626.5551, subdivisions 1, 2, 3, 4, 5; Laws 2001, First Special Session chapter 9, article 9, section 52; Laws 2003, First Special Session chapter 14, article 3, section 56; Minnesota Rules, part 9560.0220, subpart 6, item B.

Reported the same back with the following amendments:

Page 51, line 20, delete "immediately" and insert "without delay"

Page 112, after line 3, insert:

"Sec. 3. Minnesota Statutes 2003 Supplement, section 245.4874, is amended to read:

245.4874 [DUTIES OF COUNTY BOARD.]

The county board in each county shall use its share of mental health and Community Social Services Act funds allocated by the commissioner according to a biennial children's mental health component of the community social services plan that is approved by the commissioner. The county board must:

(1) develop a system of affordable and locally available children's mental health services according to sections 245.487 to 245.4887;

(2) establish a mechanism providing for interagency coordination as specified in section 245.4875, subdivision 6;

(3) develop a biennial children's mental health component of the community social services plan which considers the assessment of unmet needs in the county as reported by the local children's mental health advisory council under section 245.4875, subdivision 5, paragraph (b), clause (3). The county shall provide, upon request of the local children's mental health advisory council, readily available data to assist in the determination of unmet needs;

(4) assure that parents and providers in the county receive information about how to gain access to services provided according to sections 245.487 to 245.4887;

(5) coordinate the delivery of children's mental health services with services provided by social services, education, corrections, health, and vocational agencies to improve the availability of mental health services to children and the cost-effectiveness of their delivery;

(6) assure that mental health services delivered according to sections 245.487 to 245.4887 are delivered expeditiously and are appropriate to the child's diagnostic assessment and individual treatment plan;

(7) provide the community with information about predictors and symptoms of emotional disturbances and how to access children's mental health services according to sections 245.4877 and 245.4878;

(8) provide for case management services to each child with severe emotional disturbance according to sections 245.486; 245.4871, subdivisions 3 and 4; and 245.4881, subdivisions 1, 3, and 5;

(9) provide for screening of each child under section 245.4885 upon admission to a residential treatment facility, acute care hospital inpatient treatment, or informal admission to a regional treatment center;

(10) prudently administer grants and purchase-of-service contracts that the county board determines are necessary to fulfill its responsibilities under sections 245.487 to 245.4887;

(11) assure that mental health professionals, mental health practitioners, and case managers employed by or under contract to the county to provide mental health services are qualified under section 245.4871;

(12) assure that children's mental health services are coordinated with adult mental health services specified in sections 245.461 to 245.486 so that a continuum of mental health services is available to serve persons with mental illness, regardless of the person's age;

(13) assure that culturally informed mental health consultants are used as necessary to assist the county board in assessing and providing appropriate treatment for children of cultural or racial minority heritage; and

(14) consistent with section 245.486, arrange for or provide a children's mental health screening to a child receiving child protective services or a child in out-of-home placement, a child for whom parental rights have been terminated, a child found to be delinquent, and a child found to have committed a juvenile petty offense for the third or subsequent time, unless a screening has been performed within the previous 180 days, or the child is currently under the care of a mental health professional. The court or county agency must notify a parent or guardian whose parental rights have not been terminated of the potential mental health screening and the option to prevent the screening by notifying the court or county agency in writing. The screening shall be conducted with a screening instrument approved by the commissioner of human services according to criteria that are updated and issued annually to ensure that approved screening instruments are valid and useful for child welfare and juvenile justice populations, and shall be conducted by a mental health practitioner as defined in section 245.4871, subdivision 26, or a probation officer or local social services agency staff person who is trained in the use of the screening instrument. Training in the use of the instrument shall include training in the administration of the instrument, the interpretation of its validity given the child's current circumstances, the state and federal data practices laws and confidentiality standards, the parental consent requirement, and providing respect for families and cultural values. If

the screen indicates a need for assessment, the child's family, or if the family lacks mental health insurance, the local social services agency, in consultation with the child's family, shall have conducted a diagnostic assessment, including a functional assessment, as defined in section 245.4871. The administration of the screening shall safeguard the privacy of children receiving the screening and their families and shall comply with the Minnesota Government Data Practices Act, chapter 13, and the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191. Screening results shall be considered private data and the commissioner shall not collect individual screening results."

Page 128, delete section 6

Renumber the sections in sequence

Amend the title as follows:

Page 1, lines 13 and 14, delete "256B.5012, by adding a subdivision;"

Page 1, line 26, before "245B.03" insert "245.4874;"

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 2737, A bill for an act relating to municipal airports; requiring notice to commissioner of transportation and public notice and hearing before final closure of municipal airport; proposing coding for new law in Minnesota Statutes, chapter 360.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Transportation Finance.

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 2773, A bill for an act relating to retirement; Minneapolis Teachers Retirement Fund Association; requiring the investment of state aid to the retirement fund by the State Board of Investment; revising the administrative expense surcharge; requiring additional funding by members and recipients in the event of investment underperformance; revising the investment-related postretirement adjustment mechanism to account for the funding problems of the retirement fund; amending Minnesota Statutes 2002, sections 354A.12, subdivisions 3a, 3d, by adding a subdivision; 354A.28, subdivisions 8, 9; Minnesota Statutes 2003 Supplement, section 354A.12, subdivision 3b; proposing coding for new law in Minnesota Statutes, chapter 354A.

Reported the same back with the following amendments:

Pages 7 and 8, delete section 6

Page 9, line 19, delete "7" and insert "6"

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, delete everything after the semicolon

Page 1, delete line 9

Page 1, line 10, delete everything before "amending"

Page 1, line 13, delete "subdivisions 8," and insert "subdivision"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

Dauids from the Committee on Commerce, Jobs and Economic Development to which was referred:

H. F. No. 2801, A bill for an act relating to insurance; regulating nonrenewals and underwriting of homeowner's insurance; prohibiting various discriminatory practices in automobile and homeowner's insurance; amending Minnesota Statutes 2002, sections 65A.29, subdivisions 8, 11; 65A.30; 72A.20, subdivisions 13, 23.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2002, section 65A.30, is amended to read:

65A.30 [DAY CARE SERVICES; COVERAGE.]

Subdivision 1. [NO COVERAGE.] There shall be no coverage under a day care provider's homeowner's insurance for losses or damages arising out of the operation of day care services unless:

- (1) specifically covered in a policy; or
- (2) covered by a rider for business coverage attached to a policy.

For purposes of this section, "day care" means "family day care" and "group family day care" as defined in Minnesota Rules, part 9502.0315. "Day care" does not include care provided by an individual who is related, as defined in Minnesota Rules, part 9502.0315, to the person being cared for or care provided by an unrelated individual to persons from a single family of persons related to each other.

Subd. 2. [PROHIBITED UNDERWRITING PRACTICES.] No insurer shall refuse to renew, or decline to offer or write, homeowner's insurance coverage solely because the property to be covered houses day care services for five or fewer children.

## Sec. 2. [EFFECTIVE DATE.]

Section 1 is effective January 1, 2005, and applies to coverage applied for, issued, or renewed on or after that date."

Delete the title and insert:

"A bill for an act relating to insurance; prohibiting certain underwriting practices in homeowner's insurance; amending Minnesota Statutes 2002, section 65A.30."

With the recommendation that when so amended the bill pass.

The report was adopted.

Smith from the Committee on Judiciary Policy and Finance to which was referred:

H. F. No. 2976, A bill for an act relating to corrections; authorizing the Fugitive Apprehension Unit to share in certain asset forfeitures under the forfeiture law; amending Minnesota Statutes 2002, sections 609.531, subdivision 1; 609.5311, subdivisions 2, 3; 609.5312, subdivision 1; 609.5314, subdivision 1; 609.5318, subdivision 1; Minnesota Statutes 2003 Supplement, sections 609.5312, subdivisions 3, 4; 609.5317, subdivision 1.

Reported the same back with the recommendation that the bill pass and be re-referred to the Committee on Rules and Legislative Administration.

The report was adopted.

Haas from the Committee on State Government Finance to which was referred:

H. F. No. 2989, A bill for an act relating to elections; making certain technical changes in the Minnesota Election Law; amending Minnesota Statutes 2002, sections 200.02, subdivision 20; 201.071, subdivision 1, 3, by adding subdivisions; 201.081; 201.091, subdivision 4; 201.096; 201.11; 201.121, by adding a subdivision; 201.13, subdivision 1; 201.14; 201.15, as amended; 201.161; 201.211; 201.221, subdivision 3; 203B.02, by adding a subdivision; 203B.04, subdivisions 1, 4, 5, by adding a subdivision; 203B.06, subdivisions 4, 7; 203B.07; 203B.11, subdivision 1; 203B.12, subdivision 2; 203B.20; 203B.21, subdivision 3; 203B.22; 203B.24; 204B.14, subdivision 2; 204B.16, subdivision 5; 204B.18; 204B.25, subdivision 3; 204B.27, subdivision 3; 204B.45, subdivision 2; 204C.06, subdivision 2; 204C.10; 204C.13, by adding a subdivision; 204C.24, subdivision 1; 204D.06; 204D.23, subdivision 4; 206.64, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 201; 203B; 204B; 204C; 205; 205A; repealing Minnesota Statutes 2002, section 203B.02, subdivision 1a; Minnesota Rules, parts 8200.1200; 8200.2600; 8200.2700; 8200.2900; 8200.3550; 8200.3600; 8200.3700; 8200.3800; 8200.3900; 8200.6200; 8200.9120; 8200.9315; 8200.9320; 8210.0200; 8210.0225; 8210.0500; 8210.0600; 8210.0700; 8210.0800; 8210.2300; 8210.2400.

Reported the same back with the following amendments:

Page 9, line 16, delete "the last four digits" and insert "any portion"

Page 18, line 7, delete "giving" and insert "deliberately providing"

Page 57, line 7, delete "giving" and insert "deliberately providing"

Page 59, line 31, delete "204C...." and insert "204C.24"

Page 60, line 34, delete "Minnesota"

Page 60, line 35, delete everything before the period and insert "section 201.061"

Page 64, line 15, delete "and" and after "8210.2400" insert "; 8210.3000; 8230.3950; and 8230.4050"

Amend the title as follows:

Page 1, line 27, before the period, insert "; 8210.3000; 8230.3950; 8230.4050"

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 3065, A bill for an act relating to human rights; prohibiting discrimination based on familial status by employers; modifying the definition of familial status; amending Minnesota Statutes 2002, sections 363.01, subdivision 19; 363.03, subdivision 1.

Reported the same back with the following amendments:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2003 Supplement, section 363A.03, subdivision 18, is amended to read:

Subd. 18. [FAMILIAL STATUS.] "Familial status" means the condition of one or more minors being domiciled with (a) their parent or parents or the minor's legal guardian or (b) the designee of the parent or parents or guardian with the written permission of the parent or parents or guardian. The protections afforded against discrimination on the basis of ~~family~~ familial status apply to any person who is pregnant or is in the process of legally adopting a minor child or securing legal custody of an individual who has not attained the age of majority.

Sec. 2. Minnesota Statutes 2003 Supplement, section 363A.03, is amended by adding a subdivision to read:

Subd. 46a. [STATUS WITH REGARD TO ADOPTION.] "Status with regard to adoption" means the condition of being in the process of legally adopting a minor child.

Sec. 3. Minnesota Statutes 2003 Supplement, section 363A.08, subdivision 2, is amended to read:

Subd. 2. [EMPLOYER.] Except when based on a bona fide occupational qualification, it is an unfair employment practice for an employer, because of race, color, creed, religion, national origin, sex, marital status, status with regard to adoption, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age to:

(a) refuse to hire or to maintain a system of employment which unreasonably excludes a person seeking employment; or

(b) discharge an employee; or

(c) discriminate against a person with respect to hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileges of employment."

Delete the title and insert:

"A bill for an act relating to human rights; including status with regard to adoption in the definition of familial status; prohibiting discrimination based on status with regard to adoption by employers; modifying the definition of familial status; amending Minnesota Statutes 2003 Supplement, sections 363A.03, subdivision 18, by adding a subdivision; 363A.08, subdivision 2."

With the recommendation that when so amended the bill pass.

The report was adopted.

Holberg from the Committee on Civil Law to which was referred:

H. F. No. 3067, A bill for an act relating to domestic abuse; authorizing an additional extension of the domestic fatality review team pilot project in the fourth judicial district; amending Laws 2002, chapter 266, section 1.

Reported the same back with the recommendation that the bill pass.

The report was adopted.

Kuisle from the Committee on Transportation Finance to which was referred:

S. F. No. 58, A bill for an act relating to crimes; reducing from 0.10 to 0.08 the per se alcohol concentration level for impairment offenses involving driving a motor vehicle, criminal vehicular homicide and injury, operating recreational vehicles or watercraft, hunting, or operating military vehicles while impaired; requiring a report; appropriating money; amending Minnesota Statutes 2002, sections 97B.065, subdivision 1; 97B.066, subdivision 1; 169A.20, subdivision 1; 169A.51, subdivision 1; 169A.52, subdivisions 2, 4, 7; 169A.54, subdivision 7; 169A.76; 192A.555; 609.21; Minnesota Statutes 2003 Supplement, section 169A.53, subdivision 3.

Reported the same back with the following amendments to the unofficial engrossment:

Page 11, after line 19, insert:

"Sec. 14. Minnesota Statutes 2002, section 604A.30, is amended to read:

604A.30 [BREATH ALCOHOL TESTING DEVICE IN LIQUOR ESTABLISHMENTS.]

Subdivision 1. [DEFINITIONS.] (a) For purposes of this section, the following terms have the meanings given them.

(b) "Breath alcohol testing device" means a device that tests for alcohol concentration by using a breath sample.

(c) "Licensed premises" has the meaning given in section 340A.101, subdivision 15.

(d) "Liquor licensee" means a person licensed under sections 340A.403 to 340A.407 or 340A.414, and includes an agent or employee of a licensee.

Subd. 2. [IMMUNITY FROM LIABILITY.] (a) Subject to subdivision 3, a liquor licensee who administers or makes available a breath alcohol testing device in the licensed premises is immune from any liability arising out of the result of the test.

(b) Subject to subdivision 3, a designer, manufacturer, distributor, owner, or seller of a breath alcohol testing device is immune from any products liability or other cause of action arising out of the result of a test by the breath alcohol testing device in a licensed premises.

Subd. 3. [IMMUNITY REQUIREMENTS.] Subdivision 2 applies only if:

(1) a conspicuous notice is posted ~~in the licensed premises:~~

~~(i) on the breath alcohol testing device or immediately adjacent to the device~~ informing patrons of the immunity provisions of subdivision 2 and notifying them that the test is made available solely for their own informal use and information; ~~and~~

~~(ii) (2) a conspicuous notice is posted in the licensed premises~~ informing patrons of the alcohol-related driving penalties under chapter 169A and section 609.21;

~~(2) the type of breath alcohol testing device is certified by the commissioner of public safety under subdivision 7; and~~

~~(3) the breath alcohol testing device is calibrated, and all maintenance is performed, on a frequency and in a manner that follows at least the minimum guidelines of the manufacturer;~~

~~(4) the breath alcohol testing device test results are indicated as follows:~~

~~(i) the breath alcohol testing device shows a white light and gives a reading of alcohol concentration if alcohol concentration is less than .05;~~

~~(ii) the breath alcohol testing device shows a yellow light and gives a reading of alcohol concentration if alcohol concentration is .05 or more but less than .08;~~

~~(iii) the breath alcohol testing device shows an orange light and gives a reading of alcohol concentration if alcohol concentration is .08 or more but less than .10, and displays a message that states "You are close to the legal limit and your driving may be impaired"; or~~

~~(iv) the breath alcohol testing device shows a red light if alcohol concentration is .10 or greater but does not give a reading of alcohol concentration, and displays a message that states that the person fails the test conveys the test results via feedback that includes an audio or voice response and a graduated colored light display; and~~

~~(5) the breath alcohol testing device clearly indicates when alcohol concentration exceeds .09 but does not indicate actual or graduated alcohol concentration levels over .09.~~

A breath alcohol testing device may also include a digital or numerical readout up to .09 alcohol concentration.

Subd. 4. [EVIDENCE.] Evidence regarding the result of a test by a breath alcohol testing device in a licensed premises is not admissible in any civil or criminal proceeding.

Subd. 5. [DRAMSHOP.] This section does not affect liability under section 340A.801.

~~Subd. 6. [PREPARATION OF NOTICE.] The commissioner of public safety shall prepare and make available to liquor licensees the notices described in subdivision 3.~~

~~Subd. 7. [RULES; CERTIFICATION.] The commissioner of public safety shall adopt any rules reasonably required to implement this section, including performance and maintenance standards for breath alcohol testing devices. The commissioner shall certify breath alcohol testing devices that meet the performance standards. The costs of rulemaking and certification must be borne by the manufacturers of the breath alcohol testing devices."~~

Page 17, line 10, delete "August 1, 2004" and insert "September 1, 2007"

Page 17, line 11, delete "2005" and insert "2008"

Page 17, line 20, delete "2006" and insert "2009"

Pages 17 and 18, delete section 17

Page 18, delete lines 15 and 16 and insert:

"Section 14 is effective July 1, 2004. Sections 1 to 13 and 15 to 17 are effective September 1, 2007, and apply to offenses committed on and after that date."

Renumber the sections in sequence

Amend the title as follows:

Page 1, line 8, after the semicolon, insert "modifying requirement relating to immunity from liability for breath alcohol testing devices;"

Page 1, line 9, delete "appropriating money;"

Page 1, line 14, after the second semicolon, insert "604A.30;"

With the recommendation that when so amended the bill pass and be re-referred to the Committee on Ways and Means.

The report was adopted.

## SECOND READING OF HOUSE BILLS

H. F. Nos. 1593, 1828, 1830, 2035, 2214, 2217, 2363, 2537, 2586, 2642, 2724, 2801, 2989, 3065 and 3067 were read for the second time.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

The following House Files were introduced:

Seifert introduced:

H. F. No. 3106, A bill for an act relating to motor vehicles; dedicating certain revenue from motor vehicle sales tax; amending Minnesota Statutes 2003 Supplement, section 297B.09, subdivision 1.

The bill was read for the first time and referred to the Committee on Transportation Finance.

Urdahl introduced:

H. F. No. 3107, A bill for an act relating to human services; placing nursing facilities in the city of Dassel into a different geographic group; amending Minnesota Statutes 2002, section 256B.431, subdivision 2b.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Westrom and Otremba introduced:

H. F. No. 3108, A bill for an act relating to taxation; authorizing the Lakes Area Economic Development Authority to levy a tax; amending Laws 2003, chapter 127, article 12, section 38.

The bill was read for the first time and referred to the Committee on Taxes.

Eken, Huntley, Lieder, Koenen, Pugh, Peterson and Otremba introduced:

H. F. No. 3109, A bill for an act relating to alternative care program funding; modifying alternative care program client premiums; modifying income tax rates; amending Minnesota Statutes 2002, section 290.06, subdivision 2d; Minnesota Statutes 2003 Supplement, sections 256B.0913, subdivision 12; 290.06, subdivision 2c.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

Lanning introduced:

H. F. No. 3110, A bill for an act relating to taxation; providing an exemption from sales tax for geothermal equipment; amending Minnesota Statutes 2002, section 297A.67, by adding a subdivision.

The bill was read for the first time and referred to the Committee on Taxes.

Otremba introduced:

H. F. No. 3111, A bill for an act relating to retirement; general employees retirement plan of the Public Employees Retirement Association; authorizing the conversion of a retirement annuity to a disability benefit.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Pugh, Murphy, Otto and Huntley introduced:

H. F. No. 3112, A bill for an act relating to taxation; replacing the additional sales tax on alcoholic beverages on its expiration with an equivalent gross earnings tax on alcoholic beverages; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 295.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn introduced:

H. F. No. 3113, A bill for an act relating to retirement; Minneapolis police, fire, and municipal employees retirement plans; making various retirement funding modifications; amending Minnesota Statutes 2002, sections 69.77, subdivision 4; 356A.06, subdivision 7; 422A.06, subdivision 8; 422A.101, subdivision 4; 423B.21; 423C.15, subdivisions 3, 4; proposing coding for new law as Minnesota Statutes, chapter 423D.

The bill was read for the first time and referred to the Committee on Governmental Operations and Veterans Affairs Policy.

Magnus; Simpson; Nelson, P.; Urdahl; Heidgerken; Ruth; Swenson; Gunther; Nornes; Dempsey; Demmer and Kuisle introduced:

H. F. No. 3114, A bill for an act relating to transportation; establishing town road sign replacement program; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 164.

The bill was read for the first time and referred to the Committee on Transportation Policy.

Westrom, Juhnke and Heidgerken introduced:

H. F. No. 3115, A bill for an act relating to taxation; extending the construction date requirement applicable to a property tax exemption for a biomass electric generation facility; extending the duration of a sales tax exemption on construction materials for a biomass electric generation facility; amending Minnesota Statutes 2003 Supplement, section 272.02, subdivision 47; Laws 2001, First Special Session chapter 5, article 12, section 67.

The bill was read for the first time and referred to the Committee on Taxes.

Nornes introduced:

H. F. No. 3116, A bill for an act relating to taxes; increasing the population size of cities permitted to hold land for economic development purposes for 15 years; amending Minnesota Statutes 2002, section 272.02, subdivision 39.

The bill was read for the first time and referred to the Committee on Taxes.

Kahn introduced:

H. F. No. 3117, A bill for an act relating to urban riverfronts; requiring a model ordinance.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Simpson introduced:

H. F. No. 3118, A bill for an act relating to tourism; providing for a later start date for school districts; providing for valuation and deferment of taxes on certain homestead resorts; delaying the date by which taxes on certain resort property must be paid; exempting from sales tax certain purchases from resorts; appropriating money; amending Minnesota Statutes 2002, sections 120A.40; 278.03, subdivision 1; 279.01, subdivision 1, by adding a subdivision; 297A.71, by adding a subdivision; 297A.75, as amended; proposing coding for new law in Minnesota Statutes, chapter 273.

The bill was read for the first time and referred to the Committee on Education Policy.

Wilkin and Wardlow introduced:

H. F. No. 3119, A bill for an act relating to taxation; property; modifying special assessment and property tax deferment provisions on the Caponi art park property; amending Laws 1998, chapter 389, article 3, section 41; Laws 1998, chapter 389, article 3, section 42, subdivision 2, as amended.

The bill was read for the first time and referred to the Committee on Taxes.

Dorman; Opatz; Simpson; Atkins; Boudreau; Kelliher; Murphy; Huntley; Dorn; Hilty; Fuller; Anderson, J.; Nornes; Juhnke and Abeler introduced:

H. F. No. 3120, A bill for an act relating to local sales taxes; allowing certain cities to impose a local sales tax if certain criteria are met; amending Minnesota Statutes 2002, sections 297A.99, subdivision 1, by adding a subdivision; 477A.016.

The bill was read for the first time and referred to the Committee on Taxes.

Mullery introduced:

H. F. No. 3121, A bill for an act relating to criminal justice; authorizing cities to seek reimbursement from persons who are booked for pretrial detention in a county jail when the county charges the city for those costs; amending Minnesota Statutes 2002, sections 642.04; 642.06.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

Carlson introduced:

H. F. No. 3122, A bill for an act relating to tax increment financing; modifying the definition of structurally substandard buildings; amending Minnesota Statutes 2003 Supplement, section 469.174, subdivision 10.

The bill was read for the first time and referred to the Committee on Taxes.

Sertich, Hilty, Mullery and Mahoney introduced:

H. F. No. 3123, A bill for an act relating to unemployment insurance; extending exception for certain wage credits earned; amending Laws 2002, chapter 380, article 1, section 3.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

Hornstein, Hausman, Ellison, Erhardt, Rhodes and Kelliher introduced:

H. F. No. 3124, A bill for an act relating to taxation; providing for deposit of revenues from sales tax on motor vehicles; removing obsolete language; amending Minnesota Statutes 2003 Supplement, section 297B.09, subdivision 1.

The bill was read for the first time and referred to the Committee on Taxes.

Eken; Goodwin; Kelliher; Latz; Anderson, I., and Koenen introduced:

H. F. No. 3125, A bill for an act relating to human services funding; modifying parental contributions for the cost of children's services; modifying income tax rates; amending Minnesota Statutes 2002, sections 252.27, by adding a subdivision; 290.06, subdivision 2d; Minnesota Statutes 2003 Supplement, section 290.06, subdivision 2c; repealing Minnesota Statutes 2003 Supplement, section 252.27, subdivision 2a.

The bill was read for the first time and referred to the Committee on Health and Human Services Finance.

### **MESSAGES FROM THE SENATE**

The following messages were received from the Senate:

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned:

H. F. No. 307, A bill for an act relating to elections; providing an exemption for noncommercial signs from ordinances that limit the number of noncommercial signs; amending Minnesota Statutes 2002, section 211B.045.

PATRICK E. FLAHAVEN, Secretary of the Senate

Mr. Speaker:

I hereby announce the passage by the Senate of the following House File, herewith returned, as amended by the Senate, in which amendments the concurrence of the House is respectfully requested:

H. F. No. 1064, A bill for an act relating to state employees; making technical and housekeeping changes; amending Minnesota Statutes 2002, sections 43A.08, subdivision 1a; 43A.30, subdivision 5; 43A.319.

PATRICK E. FLAHAVEN, Secretary of the Senate

## CONCURRENCE AND REPASSAGE

Samuelson moved that the House concur in the Senate amendments to H. F. No. 1064 and that the bill be repassed as amended by the Senate. The motion prevailed.

H. F. No. 1064, A bill for an act relating to state employees; making technical and housekeeping changes; amending Minnesota Statutes 2002, sections 43A.30, subdivision 5; 43A.319.

The bill was read for the third time, as amended by the Senate, and placed upon its repassage.

The question was taken on the repassage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Lesch	Otremba	Soderstrom
Abrams	Demmer	Holberg	Lieder	Otto	Solberg
Adolphson	Dempsey	Hoppe	Lindgren	Ozment	Stang
Anderson, B.	Dill	Hornstein	Lindner	Paulsen	Strachan
Anderson, I.	Dorn	Howes	Lipman	Paymar	Swenson
Anderson, J.	Eastlund	Huntley	Magnus	Pelowski	Sykora
Atkins	Eken	Jacobson	Mahoney	Penas	Thao
Beard	Ellison	Jaros	Mariani	Peterson	Thissen
Bernardy	Entenza	Johnson, J.	Marquart	Powell	Tingelstad
Biernat	Erhardt	Johnson, S.	McNamara	Pugh	Urdahl
Blaine	Erickson	Juhnke	Meslow	Rhodes	Vandever
Borrell	Finstad	Kahn	Mullery	Rukavina	Wagenius
Boudreau	Fuller	Kelliher	Murphy	Ruth	Walker
Bradley	Gerlach	Klinzing	Nelson, C.	Samuelson	Walz
Brod	Goodwin	Knoblach	Nelson, M.	Seagren	Wardlow
Buesgens	Greiling	Koenen	Nelson, P.	Seifert	Wasiluk
Carlson	Gunther	Kohls	Newman	Sertich	Westerberg
Clark	Haas	Krinkie	Nornes	Severson	Westrom
Cornish	Hackbarth	Kuisle	Olsen, S.	Sieben	Wilkin
Cox	Hausman	Lanning	Olson, M.	Simpson	Zellers
Davids	Heidgerken	Larson	Opatz	Slawik	Spk. Sviggum
Davnie	Hilstrom	Lenczewski	Osterman	Smith	

The bill was repassed, as amended by the Senate, and its title agreed to.

Mr. Speaker:

I hereby announce the passage by the Senate of the following Senate Files, herewith transmitted:

S. F. Nos. 1671, 2300, 1604, 2772, 1958, 1653, 2386, 2647, 1928 and 2357.

PATRICK E. FLAHAVEN, Secretary of the Senate

**FIRST READING OF SENATE BILLS**

S. F. No. 1671, A bill for an act relating to health; placing the term "assisted living facility" into statute as a formal means of referring to registered housing with services establishments; proposing coding for new law in Minnesota Statutes, chapter 144D.

The bill was read for the first time.

Finstad moved that S. F. No. 1671 and H. F. No. 1936, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2300, A bill for an act relating to redistricting; adjusting the boundary between house districts 41A and 41B to correct an error; proposing coding for new law in Minnesota Statutes, chapter 2.

The bill was read for the first time.

Erhardt moved that S. F. No. 2300 and H. F. No. 2482, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1604, A bill for an act relating to human services; requiring the commissioner of human services to provide rate notices within certain timelines under certain conditions; requiring a planned nursing facility closure to be budget neutral; amending Minnesota Statutes 2002, sections 256B.431, subdivision 10; 256B.437, subdivision 3.

The bill was read for the first time.

Samuelson moved that S. F. No. 1604 and H. F. No. 1754, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 2772, A bill for an act relating to local government; authorizing the city of Hoyt Lakes to extend its zoning and subdivision regulations within part of the town of White subject to the town of White's consent.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

S. F. No. 1958, A bill for an act relating to local government; authorizing townships to make payments by electronic or wire transfer, and accept payment by credit card or other methods; authorizing townships to use electronic approvals; amending Minnesota Statutes 2002, section 471.381.

The bill was read for the first time.

Solberg moved that S. F. No. 1958 and H. F. No. 2033, now on the General Register, be referred to the Chief Clerk for comparison. The motion prevailed.

S. F. No. 1653, A bill for an act relating to real property; clarifying plat and survey approval requirements; clarifying the process for preserving section and quarter-section markers; amending Minnesota Statutes 2002, sections 160.15; 389.09.

The bill was read for the first time and referred to the Committee on Civil Law.

S. F. No. 2386, A bill for an act relating to economic development; providing a bidding exception for certain federally subsidized transit facilities; amending Minnesota Statutes 2002, section 469.015, subdivision 4.

The bill was read for the first time and referred to the Committee on Local Government and Metropolitan Affairs.

S. F. No. 2647, A bill for an act relating to local government; authorizing the city of St. Paul to participate in the creation of, and to contract with, a nonprofit organization for management and operation of the RiverCentre complex.

The bill was read for the first time and referred to the Committee on Taxes.

S. F. No. 1928, A bill for an act relating to commerce; making changes in the board membership of MCHA; requiring the association to post notice of the reasons for a change in writing carriers; amending Minnesota Statutes 2002, section 62E.10, subdivision 2; Minnesota Statutes 2003 Supplement, section 62E.13, subdivision 2.

The bill was read for the first time and referred to the Committee on Commerce, Jobs and Economic Development.

S. F. No. 2357, A bill for an act relating to criminal justice; defining collateral sanctions; requiring the revisor of statutes to create a new statutory chapter containing cross-references to collateral sanction laws located throughout Minnesota Statutes.

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance.

### **CONSENT CALENDAR**

S. F. No. 1748, A bill for an act relating to health; modifying provisions relating to emergency medical services; amending Minnesota Statutes 2002, sections 144E.01, subdivision 1; 144E.265, subdivision 2; 144E.27, subdivisions 1, 2; 144E.286, by adding a subdivision; 144E.305, subdivision 2; 144E.46; Minnesota Statutes 2003 Supplement, section 144E.41; repealing Minnesota Statutes 2002, sections 144E.27, subdivision 4; 144E.286, subdivisions 1, 2; Minnesota Rules, parts 4690.1500, subpart 3; 4690.7900, subpart 6.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otremba	Soderstrom
Abrams	Demmer	Hilty	Lesch	Otto	Solberg
Adolphson	Dempsey	Holberg	Lieder	Ozment	Stang
Anderson, B.	Dill	Hoppe	Lindgren	Paulsen	Strachan
Anderson, I.	Dorman	Hornstein	Lindner	Paymar	Swenson
Anderson, J.	Dorn	Howes	Lipman	Pelowski	Sykora
Atkins	Eastlund	Huntley	Magnus	Penas	Thao
Beard	Eken	Jacobson	Mariani	Peterson	Thissen
Bernardy	Ellison	Jaros	Marquart	Powell	Tingelstad
Biernat	Entenza	Johnson, J.	McNamara	Pugh	Urdahl
Blaine	Erhardt	Johnson, S.	Meslow	Rhodes	Vandevveer
Borrell	Erickson	Juhnke	Mullery	Rukavina	Wagenius
Boudreau	Finstad	Kahn	Murphy	Ruth	Walker
Bradley	Fuller	Kelliher	Nelson, C.	Samuelson	Walz
Brod	Gerlach	Klinzing	Nelson, M.	Seagren	Wardlow
Buesgens	Goodwin	Knoblach	Nelson, P.	Seifert	Wasiluk
Carlson	Greiling	Koenen	Newman	Sertich	Westerberg
Clark	Gunther	Kohls	Nornes	Severson	Westrom
Cornish	Haas	Krinkie	Olsen, S.	Sieben	Wilkin
Cox	Hackbarth	Kuisle	Olson, M.	Simpson	Zellers
Davids	Hausman	Lanning	Opatz	Slawik	Spk. Sviggum
Davnie	Heidgerken	Larson	Osterman	Smith	

Those who voted in the negative were:

Mahoney

The bill was passed and its title agreed to.

H. F. No. 2551, A bill for an act relating to commerce; regulating safe deposit companies; modifying collateral requirements applicable to depositories of local public funds; amending Minnesota Statutes 2002, section 55.15; Minnesota Statutes 2003 Supplement, section 118A.03, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Beard	Brod	Davnie	Eastlund	Fuller
Abrams	Bernardy	Buesgens	DeLaForest	Eken	Gerlach
Adolphson	Biernat	Carlson	Demmer	Ellison	Goodwin
Anderson, B.	Blaine	Clark	Dempsey	Entenza	Greiling
Anderson, I.	Borrell	Cornish	Dill	Erhardt	Gunther
Anderson, J.	Boudreau	Cox	Dorman	Erickson	Haas
Atkins	Bradley	Davids	Dorn	Finstad	Hackbarth

Hausman	Kelliher	Magnus	Opatz	Samuelson	Thao
Heidgerken	Klinzing	Mahoney	Osterman	Seagren	Thissen
Hilstrom	Knoblach	Mariani	Otremba	Seifert	Tingelstad
Hilty	Koenen	Marquart	Otto	Sertich	Urdahl
Holberg	Kohls	McNamara	Ozment	Severson	Vandever
Hoppe	Krinkie	Meslow	Paulsen	Sieben	Wagenius
Hornstein	Kuisle	Mullery	Paymar	Simpson	Walker
Howes	Lanning	Murphy	Pelowski	Slawik	Walz
Huntley	Larson	Nelson, C.	Penas	Smith	Wardlow
Jacobson	Lenczewski	Nelson, M.	Peterson	Soderstrom	Wasiluk
Jaros	Lesch	Nelson, P.	Powell	Solberg	Westerberg
Johnson, J.	Lieder	Newman	Pugh	Stang	Westrom
Johnson, S.	Lindgren	Nornes	Rhodes	Strachan	Wilkin
Juhnke	Lindner	Olsen, S.	Rukavina	Swenson	Zellers
Kahn	Lipman	Olson, M.	Ruth	Sykora	Spk. Sviggum

The bill was passed and its title agreed to.

The Speaker called Boudreau to the Chair.

H. F. No. 2207, A bill for an act relating to health; clarifying that individuals may participate in pharmaceutical manufacturer's rebate programs; amending Minnesota Statutes 2002, section 62J.23, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 132 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Osterman	Smith
Abrams	Demmer	Hilty	Lesch	Otremba	Soderstrom
Adolphson	Dempsey	Holberg	Lieder	Otto	Solberg
Anderson, B.	Dill	Hoppe	Lindgren	Ozment	Stang
Anderson, I.	Dorman	Hornstein	Lindner	Paulsen	Strachan
Anderson, J.	Dorn	Howes	Lipman	Paymar	Swenson
Atkins	Eastlund	Huntley	Magnus	Pelowski	Sykora
Beard	Eken	Jacobson	Mahoney	Penas	Thao
Bernardy	Ellison	Jaros	Mariani	Peterson	Thissen
Biernat	Entenza	Johnson, J.	Marquart	Powell	Tingelstad
Blaine	Erhardt	Johnson, S.	McNamara	Pugh	Urdahl
Borrell	Erickson	Juhnke	Meslow	Rhodes	Vandever
Boudreau	Finstad	Kahn	Mullery	Rukavina	Wagenius
Bradley	Fuller	Kelliher	Murphy	Ruth	Walker
Brod	Gerlach	Klinzing	Nelson, C.	Samuelson	Walz
Buesgens	Goodwin	Knoblach	Nelson, M.	Seagren	Wardlow
Carlson	Greiling	Koenen	Nelson, P.	Seifert	Wasiluk
Clark	Gunther	Kohls	Newman	Sertich	Westerberg
Cornish	Haas	Krinkie	Nornes	Severson	Westrom
Cox	Hackbarth	Kuisle	Olsen, S.	Sieben	Wilkin
Davids	Hausman	Lanning	Olson, M.	Simpson	Zellers
Davnie	Heidgerken	Larson	Opatz	Slawik	Spk. Sviggum

The bill was passed and its title agreed to.

Mullery was excused for the remainder of today's session.

H. F. No. 2296, A bill for an act relating to public safety; providing that a peace officer may operate any vehicle or combination of vehicles; amending Minnesota Statutes 2002, section 171.02, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otremba	Soderstrom
Abrams	Demmer	Hilty	Lesch	Otto	Solberg
Adolphson	Dempsey	Holberg	Lieder	Ozment	Stang
Anderson, B.	Dill	Hoppe	Lindgren	Paulsen	Strachan
Anderson, I.	Dorman	Hornstein	Lindner	Paymar	Swenson
Anderson, J.	Dorn	Howes	Lipman	Pelowski	Sykora
Atkins	Eastlund	Huntley	Magnus	Penas	Thao
Beard	Eken	Jacobson	Mahoney	Peterson	Thissen
Bernardy	Ellison	Jaros	Mariani	Powell	Tingelstad
Biernat	Entenza	Johnson, J.	Marquart	Pugh	Urdahl
Blaine	Erhardt	Johnson, S.	McNamara	Rhodes	Vandevveer
Borrell	Erickson	Juhnke	Meslow	Rukavina	Wagenius
Boudreau	Finstad	Kahn	Murphy	Ruth	Walker
Bradley	Fuller	Kelliher	Nelson, C.	Samuelson	Walz
Brod	Gerlach	Klinzing	Nelson, M.	Seagren	Wardlow
Buesgens	Goodwin	Knoblach	Nelson, P.	Seifert	Wasiluk
Carlson	Greiling	Koenen	Newman	Sertich	Westerberg
Clark	Gunther	Kohls	Nornes	Severson	Westrom
Cornish	Haas	Krinkie	Olsen, S.	Sieben	Wilkin
Cox	Hackbarth	Kuisle	Olson, M.	Simpson	Zellers
Davids	Hausman	Lanning	Opatz	Slawik	Spk. Sviggum
Davnie	Heidgerken	Larson	Osterman	Smith	

The bill was passed and its title agreed to.

H. F. No. 2554, A bill for an act relating to insurance; health and accident; regulating certain dependent coverage; amending Minnesota Statutes 2002, sections 62A.042; 62C.14, subdivision 14.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, B.	Atkins	Biernat	Boudreau	Buesgens
Abrams	Anderson, I.	Beard	Blaine	Bradley	Carlson
Adolphson	Anderson, J.	Bernardy	Borrell	Brod	Clark

Cornish	Goodwin	Kahn	Marquart	Penas	Strachan
Cox	Greiling	Kelliher	McNamara	Peterson	Swenson
Davids	Gunther	Klinzing	Meslow	Powell	Sykora
Davnie	Haas	Knoblach	Murphy	Pugh	Thao
DeLaForest	Hackbarth	Koenen	Nelson, C.	Rhodes	Thissen
Demmer	Hausman	Kohls	Nelson, M.	Rukavina	Tingelstad
Dempsey	Heidgerken	Krinkie	Nelson, P.	Ruth	Urdahl
Dill	Hilstrom	Kuisle	Newman	Samuelson	Vandever
Dorman	Hilty	Lanning	Nornes	Seagren	Wagenius
Dorn	Holberg	Larson	Olsen, S.	Seifert	Walker
Eastlund	Hoppe	Lenczewski	Olson, M.	Sertich	Walz
Eken	Hornstein	Lesch	Opatz	Severson	Wardlow
Ellison	Howes	Lieder	Osterman	Sieben	Wasiluk
Entenza	Huntley	Lindgren	Otremba	Simpson	Westerberg
Erhardt	Jacobson	Lindner	Otto	Slawik	Westrom
Erickson	Jaros	Lipman	Ozment	Smith	Wilkin
Finstad	Johnson, J.	Magnus	Paulsen	Soderstrom	Zellers
Fuller	Johnson, S.	Mahoney	Paymar	Solberg	Spk. Sviggum
Gerlach	Juhnke	Mariani	Pelowski	Stang	

The bill was passed and its title agreed to.

H. F. No. 2906, A bill for an act relating to local government; increasing the efficiency of payroll processing; authorizing the use of electronic time recording systems; amending Minnesota Statutes 2002, section 412.271, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 131 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Cox	Greiling	Kelliher	McNamara	Peterson
Abrams	Davids	Gunther	Klinzing	Meslow	Powell
Adolphson	Davnie	Haas	Knoblach	Murphy	Pugh
Anderson, B.	DeLaForest	Hackbarth	Koenen	Nelson, C.	Rhodes
Anderson, I.	Demmer	Hausman	Kohls	Nelson, M.	Rukavina
Anderson, J.	Dempsey	Heidgerken	Krinkie	Nelson, P.	Ruth
Atkins	Dill	Hilstrom	Kuisle	Newman	Samuelson
Beard	Dorman	Hilty	Lanning	Nornes	Seagren
Bernardy	Dorn	Holberg	Larson	Olsen, S.	Seifert
Biernat	Eastlund	Hoppe	Lenczewski	Olson, M.	Sertich
Blaine	Eken	Hornstein	Lesch	Opatz	Severson
Borrell	Ellison	Howes	Lieder	Osterman	Sieben
Boudreau	Entenza	Huntley	Lindgren	Otremba	Simpson
Bradley	Erhardt	Jacobson	Lindner	Otto	Slawik
Brod	Erickson	Jaros	Lipman	Ozment	Smith
Buesgens	Finstad	Johnson, J.	Magnus	Paulsen	Soderstrom
Carlson	Fuller	Johnson, S.	Mahoney	Paymar	Solberg
Clark	Gerlach	Juhnke	Mariani	Pelowski	Stang
Cornish	Goodwin	Kahn	Marquart	Penas	Strachan

Swenson	Thissen	Vandever	Walz	Westerberg	Zellers
Sykora	Tingelstad	Wagenius	Wardlow	Westrom	Spk. Sviggum
Thao	Urdahl	Walker	Wasiluk	Wilkin	

The bill was passed and its title agreed to.

Thao was excused for the remainder of today's session.

H. F. No. 2930 was reported to the House.

Vandever moved to amend H. F. No. 2930, the first engrossment, as follows:

Page 1, line 13, after "officer" insert ", as defined in section 299A.41, subdivision 4."

The motion prevailed and the amendment was adopted.

Otto moved to amend H. F. No. 2930, the first engrossment, as amended, as follows:

Page 1, line 13, after "Minnesota" insert ", or the death of Minnesota military personnel killed in the line of duty"

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2930, A bill for an act relating to state government; requiring flags in the Capitol area to be flown at half-staff following death of a public safety officer or Minnesota military personnel killed in the line of duty; proposing coding for new law in Minnesota Statutes, chapter 1.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Biernat	Cornish	Dorn	Gerlach	Hilty
Abrams	Blaine	Cox	Eastlund	Goodwin	Holberg
Adolphson	Borrell	Davids	Eken	Greiling	Hoppe
Anderson, B.	Boudreau	Davnie	Ellison	Gunther	Hornstein
Anderson, I.	Bradley	DeLaForest	Entenza	Haas	Howes
Anderson, J.	Brod	Demmer	Erhardt	Hackbarth	Huntley
Atkins	Buesgens	Dempsey	Erickson	Hausman	Jacobson
Beard	Carlson	Dill	Finstad	Heidgerken	Jaros
Bernardy	Clark	Dorman	Fuller	Hilstrom	Johnson, J.

Johnson, S.	Lesch	Nelson, M.	Pelowski	Sieben	Vandevveer
Juhnke	Lieder	Nelson, P.	Penas	Simpson	Wagenius
Kahn	Lindgren	Newman	Peterson	Slawik	Walker
Kelliher	Lindner	Nornes	Powell	Smith	Walz
Klinzing	Lipman	Olsen, S.	Pugh	Soderstrom	Wardlow
Knoblach	Magnus	Olson, M.	Rhodes	Solberg	Wasiluk
Koenen	Mahoney	Opatz	Rukavina	Stang	Westerberg
Kohls	Mariani	Osterman	Ruth	Strachan	Westrom
Krinkie	Marquart	Otremba	Samuelson	Swenson	Wilkin
Kuisle	McNamara	Otto	Seagren	Sykora	Zellers
Lanning	Meslow	Ozment	Seifert	Thissen	Spk. Sviggum
Larson	Murphy	Paulsen	Sertich	Tingelstad	
Lenczewski	Nelson, C.	Paymar	Severson	Urdahl	

The bill was passed, as amended, and its title agreed to.

The Speaker resumed the Chair.

H. F. No. 3005, A bill for an act relating to elections; changing times for voting on changing county seats; amending Minnesota Statutes 2002, section 372.07.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otremba	Soderstrom
Abrams	Demmer	Hilty	Lesch	Otto	Solberg
Adolphson	Dempsey	Holberg	Lieder	Ozment	Stang
Anderson, B.	Dill	Hoppe	Lindgren	Paulsen	Strachan
Anderson, I.	Dorman	Hornstein	Lindner	Paymar	Swenson
Anderson, J.	Dorn	Howes	Lipman	Pelowski	Sykora
Atkins	Eastlund	Huntley	Magnus	Penas	Thissen
Beard	Eken	Jacobson	Mahoney	Peterson	Tingelstad
Bernardy	Ellison	Jaros	Mariani	Powell	Urdahl
Biernat	Entenza	Johnson, J.	Marquart	Pugh	Vandevveer
Blaine	Erhardt	Johnson, S.	McNamara	Rhodes	Wagenius
Borrell	Erickson	Juhnke	Meslow	Rukavina	Walker
Boudreau	Finstad	Kahn	Murphy	Ruth	Walz
Bradley	Fuller	Kelliher	Nelson, C.	Samuelson	Wardlow
Brod	Gerlach	Klinzing	Nelson, M.	Seagren	Wasiluk
Buesgens	Goodwin	Knoblach	Nelson, P.	Seifert	Westerberg
Carlson	Greiling	Koenen	Newman	Sertich	Westrom
Clark	Gunther	Kohls	Nornes	Severson	Wilkin
Cornish	Haas	Krinkie	Olsen, S.	Sieben	Zellers
Cox	Hackbarth	Kuisle	Olson, M.	Simpson	Spk. Sviggum
Davids	Hausman	Lanning	Opatz	Slawik	
Davnie	Heidgerken	Larson	Osterman	Smith	

The bill was passed and its title agreed to.

H. F. No. 1710, A bill for an act relating to employee benefits; providing that Minnesota Humanities Commission employees are eligible for certain state benefit programs; amending Minnesota Statutes 2003 Supplement, section 43A.24, subdivision 2.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otremba	Soderstrom
Abrams	Demmer	Hilty	Lesch	Otto	Solberg
Adolphson	Dempsey	Holberg	Lieder	Ozment	Stang
Anderson, B.	Dill	Hoppe	Lindgren	Paulsen	Strachan
Anderson, I.	Dorman	Hornstein	Lindner	Paymar	Swenson
Anderson, J.	Dorn	Howes	Lipman	Pelowski	Sykora
Atkins	Eastlund	Huntley	Magnus	Penas	Thissen
Beard	Eken	Jacobson	Mahoney	Peterson	Tingelstad
Bernardy	Ellison	Jaros	Mariani	Powell	Urdahl
Biernat	Entenza	Johnson, J.	Marquart	Pugh	Vandever
Blaine	Erhardt	Johnson, S.	McNamara	Rhodes	Wagenius
Borrell	Erickson	Juhnke	Meslow	Rukavina	Walker
Boudreau	Finstad	Kahn	Murphy	Ruth	Walz
Bradley	Fuller	Kelliher	Nelson, C.	Samuelson	Wardlow
Brod	Gerlach	Klinzing	Nelson, M.	Seagren	Wasiluk
Buesgens	Goodwin	Knoblach	Nelson, P.	Seifert	Westerberg
Carlson	Greiling	Koenen	Newman	Sertich	Westrom
Clark	Gunther	Kohls	Nornes	Severson	Wilkin
Cornish	Haas	Krinkie	Olsen, S.	Sieben	Zellers
Cox	Hackbarth	Kuistle	Olson, M.	Simpson	Spk. Sviggum
Davids	Hausman	Lanning	Opatz	Slawik	
Davnie	Heidgerken	Larson	Osterman	Smith	

The bill was passed and its title agreed to.

H. F. No. 2878, A bill for an act relating to state observances; designating Dr. Norman E. Borlaug World Food Prize Day; proposing coding for new law in Minnesota Statutes, chapter 10.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 130 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	Anderson, J.	Blaine	Buesgens	Davids	Dill
Abrams	Atkins	Borrell	Carlson	Davnie	Dorman
Adolphson	Beard	Boudreau	Clark	DeLaForest	Dorn
Anderson, B.	Bernardy	Bradley	Cornish	Demmer	Eastlund
Anderson, I.	Biernat	Brod	Cox	Dempsey	Eken

Ellison	Hoppe	Lanning	Nelson, P.	Rhodes	Sykora
Entenza	Hornstein	Larson	Newman	Rukavina	Thissen
Erhardt	Howes	Lenczewski	Nornes	Ruth	Tingelstad
Erickson	Huntley	Lesch	Olsen, S.	Samuelson	Urdahl
Finstad	Jacobson	Lieder	Olson, M.	Seagren	Vandev eer
Fuller	Jaros	Lindgren	Opatz	Seifert	Wagenius
Gerlach	Johnson, J.	Lindner	Osterman	Sertich	Walker
Goodwin	Johnson, S.	Lipman	Otremba	Severson	Walz
Greiling	Juhnke	Magnus	Otto	Sieben	Wardlow
Gunther	Kahn	Mahoney	Ozment	Simpson	Wasiluk
Haas	Kelliher	Mariani	Paulsen	Slawik	Westerberg
Hackbarth	Klinzing	Marquart	Paymar	Smith	Westrom
Hausman	Knoblach	McNamara	Pelowski	Soderstrom	Wilkin
Heidgerken	Koenen	Meslow	Penas	Solberg	Zellers
Hilstrom	Kohls	Murphy	Peterson	Stang	Spk. Sviggum
Hilty	Krinkie	Nelson, C.	Powell	Strachan	
Holberg	Kuisle	Nelson, M.	Pugh	Swenson	

The bill was passed and its title agreed to.

S. F. No. 2498, A bill for an act relating to domestic abuse; providing that ex parte orders for protection and temporary restraining orders are effective upon a referee's signature; amending Minnesota Statutes 2002, section 518B.01, subdivision 7; Minnesota Statutes 2003 Supplement, section 609.748, subdivision 4.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otremba	Solberg
Abrams	Demmer	Hilty	Lesch	Otto	Stang
Adolphson	Dempsey	Holberg	Lieder	Ozment	Strachan
Anderson, B.	Dill	Hoppe	Lindgren	Paulsen	Swenson
Anderson, I.	Dorman	Hornstein	Lindner	Paymar	Sykora
Anderson, J.	Dorn	Howes	Lipman	Pelowski	Thissen
Atkins	Eastlund	Huntley	Magnus	Penas	Tingelstad
Beard	Eken	Jacobson	Mahoney	Peterson	Urdahl
Bernardy	Ellison	Jaros	Mariani	Powell	Vandev eer
Biernat	Entenza	Johnson, J.	Marquart	Pugh	Wagenius
Blaine	Erhardt	Johnson, S.	McNamara	Rhodes	Walker
Borrell	Erickson	Juhnke	Meslow	Rukavina	Walz
Boudreau	Finstad	Kahn	Murphy	Ruth	Wardlow
Bradley	Fuller	Kelliher	Nelson, C.	Seagren	Wasiluk
Brod	Gerlach	Klinzing	Nelson, M.	Seifert	Westerberg
Buesgens	Goodwin	Knoblach	Nelson, P.	Sertich	Westrom
Carlson	Greiling	Koenen	Newman	Severson	Wilkin
Clark	Gunther	Kohls	Nornes	Sieben	Zellers
Cornish	Haas	Krinkie	Olsen, S.	Simpson	Spk. Sviggum
Cox	Hackbarth	Kuisle	Olson, M.	Slawik	
Davids	Hausman	Lanning	Opatz	Smith	
Davnie	Heidgerken	Larson	Osterman	Soderstrom	

The bill was passed and its title agreed to.

**CALENDAR FOR THE DAY**

S. F. No. 1745, A bill for an act relating to civil law; changing certain provisions of trust law; clarifying procedures and terms; providing an effective date; making technical changes to guardianship and conservatorship law and correcting certain references; amending Minnesota Statutes 2002, sections 144.343, subdivision 2; 145B.03, subdivision 3; 145C.05, subdivision 2; 145C.07, subdivisions 2, 4; 147.091, subdivision 2; 147A.13, subdivision 2; 148.10, subdivision 6; 148.75; 153.22, subdivision 4; 156.122; 176.092, subdivision 1; 196.051, subdivision 2; 252A.01, subdivision 1; 252A.03, subdivision 3; 252A.06, subdivision 2; 252A.081; 252A.111; 252A.171; 252A.19; 253B.03, subdivisions 4a, 6, 6a, 6d, 11; 257B.02; 257B.04, subdivision 4; 257B.06, subdivision 2; 257C.02; 260C.325, subdivision 3; 270B.03, subdivision 2; 501B.08; 501B.14, subdivision 3; 501B.16; 501B.47; 501B.49, subdivision 2; 501B.50; 501B.51, subdivision 1; 501B.53, subdivision 4; 519.07; 523.03; 524.1-201; 524.2-606; 524.3-715; 525.71; 609.2325, subdivision 2; 609.233, subdivision 2; 626.557, subdivision 10; 626.5572, subdivision 17; Minnesota Statutes 2003 Supplement, sections 256J.14; 524.5-104; 524.5-118, subdivision 2; 524.5-304; 524.5-308; 524.5-406; 524.5-408; 524.5-417; Laws 2002, chapter 347, section 5; proposing coding for new law in Minnesota Statutes, chapter 501B.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 129 yeas and 0 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Otto	Solberg
Abrams	Demmer	Hilty	Lesch	Ozment	Stang
Adolphson	Dempsey	Holberg	Lieder	Paulsen	Strachan
Anderson, B.	Dill	Hoppe	Lindgren	Paymar	Swenson
Anderson, I.	Dorman	Hornstein	Lindner	Pelowski	Sykora
Anderson, J.	Dorn	Howes	Lipman	Penas	Thissen
Atkins	Eastlund	Huntley	Magnus	Peterson	Tingelstad
Beard	Eken	Jacobson	Mahoney	Powell	Urdahl
Bernardy	Ellison	Jaros	Mariani	Pugh	Vandev eer
Biernat	Entenza	Johnson, J.	Marquart	Rhodes	Wagenius
Blaine	Erhardt	Johnson, S.	McNamara	Rukavina	Walker
Borrell	Erickson	Juhnke	Meslow	Ruth	Walz
Boudreau	Finstad	Kahn	Murphy	Samuelson	Wardlow
Bradley	Fuller	Kelliher	Nelson, C.	Seagren	Wasiluk
Brod	Gerlach	Klinzing	Nelson, M.	Seifert	Westerberg
Buesgens	Goodwin	Knoblach	Nelson, P.	Sertich	Westrom
Carlson	Greiling	Koenen	Newman	Severson	Wilkin
Clark	Gunther	Kohls	Nornes	Sieben	Zellers
Cornish	Haas	Krinkie	Olsen, S.	Simpson	Spk. Sviggum
Cox	Hackbarth	Kuisle	Opatz	Slawik	
Davids	Hausman	Lanning	Osterman	Smith	
Davnie	Heidgerken	Larson	Otremba	Soderstrom	

The bill was passed and its title agreed to.

H. F. No. 2521 was reported to the House.

Jacobson moved to amend H. F. No. 2521, the first engrossment, as follows:

Pages 1 to 2, delete sections 1 and 2

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

Vandever, Rukavina, Howes, Buesgens and Jaros moved to amend H. F. No. 2521, the first engrossment, as amended, as follows:

Page 8, after line 17, insert:

"Sec. 12. Minnesota Statutes 2002, section 349.2127, subdivision 8, is amended to read:

Subd. 8. [MINIMUM AGE.] (a) A person under the age of 18 years may not buy a pull-tab, tipboard ticket, paddlewheel ticket, or raffle ticket, or a chance to participate in a bingo game other than (1) a bingo game exempt or excluded from licensing, or (2) one bingo occasion conducted by a licensed organization as part of an annual community event if the person under age 18 is accompanied by a parent or guardian. Violation of this paragraph is a misdemeanor.

(b) A licensed organization or employee may not allow a person under age 18 to participate in lawful gambling in violation of paragraph (a). Violation of this paragraph is a misdemeanor.

(c) In a prosecution under paragraph (b), it is a defense for the defendant to prove by a preponderance of the evidence that the defendant reasonably and in good faith relied upon representations of proof of age authorized in section 340A.503, subdivision 6, paragraph (a).

**[EFFECTIVE DATE.] This section is effective the day following final enactment.**"

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 2521, A bill for an act relating to lawful gambling; making various changes to lawful gambling provisions; amending Minnesota Statutes 2002, sections 349.15, subdivision 2; 349.163, subdivision 9; 349.1711, by adding a subdivision; 349.18, subdivision 2; 349.19, subdivision 5; 349.2127, subdivision 8; Minnesota Statutes 2003 Supplement, sections 349.167, subdivisions 2, 4; 349.18, subdivision 1; 349.211, subdivision 1; repealing Minnesota Statutes 2002, section 349.1711, subdivision 4.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 125 yeas and 5 nays as follows:

Those who voted in the affirmative were:

Abeler	Davnie	Hilstrom	Lesch	Otremba	Smith
Abrams	DeLaForest	Hilty	Lieder	Otto	Soderstrom
Adolphson	Demmer	Hoppe	Lindgren	Ozment	Solberg
Anderson, B.	Dempsey	Hornstein	Lindner	Paulsen	Stang
Anderson, I.	Dill	Howes	Lipman	Paymar	Swenson
Anderson, J.	Dorman	Huntley	Magnus	Pelowski	Sykora
Atkins	Dorn	Jacobson	Mahoney	Penas	Thissen
Beard	Eastlund	Jaros	Mariani	Peterson	Tingelstad
Bernardy	Eken	Johnson, J.	Marquart	Powell	Urdahl
Biernat	Ellison	Johnson, S.	McNamara	Pugh	Vandever
Blaine	Entenza	Juhnke	Meslow	Rhodes	Wagenius
Borrell	Erhardt	Kahn	Murphy	Rukavina	Walker
Boudreau	Erickson	Klinzing	Nelson, C.	Ruth	Walz
Bradley	Finstad	Knoblach	Nelson, M.	Samuelson	Wardlow
Brod	Fuller	Koenen	Nelson, P.	Seagren	Wasiluk
Buesgens	Gerlach	Kohls	Newman	Seifert	Westerberg
Carlson	Goodwin	Krinkie	Nornes	Sertich	Westrom
Clark	Greiling	Kuisle	Olsen, S.	Severson	Wilkin
Cornish	Gunther	Lanning	Olson, M.	Sieben	Zellers
Cox	Hackbarth	Larson	Opatz	Simpson	Spk. Sviggum
Davids	Heidgerken	Lenczewski	Osterman	Slawik	

Those who voted in the negative were:

Haas	Hausman	Holberg	Kelliher	Strachan
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1978 was reported to the House.

Beard moved to amend H. F. No. 1978 as follows:

Page 1, after line 7, insert:

"Section 1. Minnesota Statutes 2002, section 221.011, subdivision 6, is amended to read:

Subd. 6. [PERSON.] "Person" means any individual, firm, copartnership, cooperative, company, association and corporation, or their lessees, trustees, or receivers. "Person" does not include the federal government, the state, or any political subdivision."

Page 1, delete lines 19 to 20 and insert:

"Sec. 3. [EFFECTIVE DATE.]

Sections 1 and 2 are effective the day following final enactment."

Renumber the sections in sequence and correct internal references

Amend the title accordingly

The motion prevailed and the amendment was adopted.

H. F. No. 1978, A bill for an act relating to motor carriers; making technical corrections to conform state law to amended federal regulations relating to truck driver hours; amending Minnesota Statutes 2002, sections 221.011, subdivision 6; 221.0314, subdivision 9.

The bill was read for the third time, as amended, and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 126 yeas and 4 nays as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilstrom	Lenczewski	Osterman	Slawik
Abrams	Demmer	Hilty	Lesch	Otremba	Smith
Adolphson	Dempsey	Holberg	Lieder	Otto	Soderstrom
Anderson, B.	Dill	Hoppe	Lindgren	Ozment	Solberg
Anderson, I.	Dorman	Hornstein	Lindner	Paulsen	Stang
Anderson, J.	Dorn	Howes	Lipman	Paymar	Strachan
Atkins	Eastlund	Huntley	Magnus	Pelowski	Swenson
Beard	Eken	Jacobson	Mahoney	Penas	Sykora
Bernardy	Ellison	Jaros	Mariani	Peterson	Thissen
Blaine	Entenza	Johnson, J.	Marquart	Powell	Tingelstad
Borrell	Erhardt	Johnson, S.	McNamara	Pugh	Urdahl
Boudreau	Erickson	Juhnke	Meslow	Rhodes	Wagenius
Bradley	Finstad	Kahn	Murphy	Rukavina	Walker
Brod	Fuller	Kelliher	Nelson, C.	Ruth	Walz
Buesgens	Gerlach	Klinzing	Nelson, M.	Samuelson	Wardlow
Carlson	Goodwin	Knobloch	Nelson, P.	Seagren	Wasiluk
Clark	Greiling	Koenen	Newman	Seifert	Westerberg
Cornish	Gunther	Kohls	Nornes	Sertich	Westrom
Cox	Haas	Kuisle	Olsen, S.	Severson	Wilkin
Davids	Hackbarth	Lanning	Olson, M.	Sieben	Zellers
Davnie	Hausman	Larson	Opatz	Simpson	Spk. Sviggum

Those who voted in the negative were:

Biernat	Heidgerken	Krinkie	Vandever
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The bill was passed, as amended, and its title agreed to.

H. F. No. 1836, A bill for an act relating to the environment; clarifying permitting for mineral tailing deposition into mine pits; amending Minnesota Statutes 2002, section 116.0717.

The bill was read for the third time and placed upon its final passage.

The question was taken on the passage of the bill and the roll was called. There were 127 yeas and 1 nay as follows:

Those who voted in the affirmative were:

Abeler	DeLaForest	Hilty	Lesch	Ozment	Strachan
Abrams	Demmer	Holberg	Lieder	Paulsen	Swenson
Adolphson	Dempsey	Hoppe	Lindgren	Pelowski	Sykora
Anderson, B.	Dill	Hornstein	Lindner	Penas	Thissen
Anderson, I.	Dorman	Howes	Lipman	Peterson	Tingelstad
Anderson, J.	Dorn	Huntley	Magnus	Powell	Urdahl
Atkins	Eastlund	Jacobson	Mahoney	Pugh	Vanderveer
Beard	Eken	Jaros	Marquart	Rhodes	Wagenius
Bernardy	Ellison	Johnson, J.	McNamara	Rukavina	Walker
Biernat	Entenza	Johnson, S.	Meslow	Ruth	Walz
Blaine	Erhardt	Juhnke	Murphy	Samuelson	Wardlow
Borrell	Erickson	Kahn	Nelson, C.	Seagren	Wasiluk
Boudreau	Finstad	Kelliher	Nelson, M.	Seifert	Westerberg
Bradley	Fuller	Klinzing	Nelson, P.	Sertich	Westrom
Brod	Gerlach	Knoblach	Newman	Severson	Wilkin
Buesgens	Goodwin	Koenen	Nornes	Sieben	Zellers
Carlson	Greiling	Kohls	Olsen, S.	Simpson	Spk. Sviggum
Clark	Gunther	Krinkie	Olson, M.	Slawik	
Cornish	Haas	Kuisle	Opatz	Smith	
Cox	Hackbarth	Lanning	Osterman	Soderstrom	
Davids	Heidgerken	Larson	Otremba	Solberg	
Davnie	Hilstrom	Lenczewski	Otto	Stang	

Those who voted in the negative were:

Paymar

The bill was passed and its title agreed to.

Paulsen moved that the remaining bills on the Calendar for the Day be continued. The motion prevailed.

### MOTIONS AND RESOLUTIONS

Bradley moved that the name of Erhardt be added as an author on H. F. No. 1681. The motion prevailed.

Brod moved that the name of Demmer be added as an author on H. F. No. 1819. The motion prevailed.

Samuelson moved that the name of Tingelstad be added as an author on H. F. No. 1828. The motion prevailed.

Klinzing moved that the name of Demmer be added as an author on H. F. No. 1915. The motion prevailed.

Wilkin moved that the name of Brod be added as an author on H. F. No. 1976. The motion prevailed.

Simpson moved that his name be stricken as an author on H. F. No. 2117. The motion prevailed.

Westerberg moved that the name of Kuisle be shown as chief author on H. F. No. 2247. The motion prevailed.

Klinzing moved that her name be stricken as an author on H. F. No. 2284. The motion prevailed.

Slawik moved that the name of Walker be added as an author on H. F. No. 2329. The motion prevailed.

Kelliher moved that her name be stricken as an author on H. F. No. 2332. The motion prevailed.

Smith moved that the name of Walker be added as an author on H. F. No. 2367. The motion prevailed.

Abeler moved that the name of Tingelstad be added as an author on H. F. No. 2402. The motion prevailed.

Cornish moved that the name of Swenson be added as chief author on H. F. No. 2461. The motion prevailed.

Thissen moved that the name of Clark be added as an author on H. F. No. 2543. The motion prevailed.

Krinkie moved that the name of Haas be added as chief author on H. F. No. 2684. The motion prevailed.

Dorman moved that the name of Sviggum be added as an author on H. F. No. 2705. The motion prevailed.

Tingelstad moved that the name of Soderstrom be added as an author on H. F. No. 2753. The motion prevailed.

Finstad moved that the name of Magnus be added as an author on H. F. No. 2846. The motion prevailed.

Abrams moved that the name of Abeler be added as an author on H. F. No. 2929. The motion prevailed.

Lindner moved that the name of Abeler be added as an author on H. F. No. 3041. The motion prevailed.

Abrams moved that the name of Erhardt be added as an author on H. F. No. 3058. The motion prevailed.

Kelliher moved that the name of Davids be added as an author on H. F. No. 3094. The motion prevailed.

Dorman moved that the name of Pelowski be added as an author on H. F. No. 3120. The motion prevailed.

Osterman moved that H. F. No. 2386 be recalled from the Committee on Ways and Means and be re-referred to the Committee on Jobs and Economic Development Finance. The motion prevailed.

Cornish moved that H. F. No. 2461, now on the General Register, be re-referred to the Committee on Rules and Legislative Administration. The motion prevailed.

Penas moved that H. F. No. 2755, now on the General Register, be re-referred to the Committee on Agriculture and Rural Development Finance. The motion prevailed.

Howes moved that H. F. No. 3049 be returned to its author. The motion prevailed.

#### ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 3:00 p.m., Wednesday, March 24, 2004. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 3:00 p.m., Wednesday, March 24, 2004.

EDWARD A. BURDICK, Chief Clerk, House of Representatives